

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 1

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 16, 2003
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Ashok Aurora of the Hindu faith, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of December 2, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS	Proclamations previously submitted were presented.
SERVICE CITATIONS	Distinguished Service Citations were presented.
RECOGNITION	Citizens Academy Graduates were recognized.
SISTER CITIES	Sister Cities Agreement with Orleans France was renewed.
Motion-- --carried	Brewer moved to recess until 10:10 a.m. to attend the reception in the Board Room for the academy graduates and the French delegation. Motion carried 7 to 0.
Reconvene	The City Council reconvened in the City Council Chambers at 10:10 a.m.

PUBLIC AGENDA

Carl Carlson	<u>Chris Carlson-Cars Versus Wheelchairs.</u> Mr. Carlson stated that he is in a wheelchair because of Muscular Dystrophy and that he and others that are in wheelchairs are having problems with vehicles not yielding to people who are mobility impaired. Stated that at the end of August there was a person in a wheelchair that was hit by a vehicle at the intersection of 21 st Street and Maize Road and another person injured in September of this year. Stated that he feels that something needs to be done to address this problem and distributed photos of damage done to his wheelchair that Muscular Dystrophy paid \$450.00 to repair his wheelchair. Explained that he wanted to make the Council aware of the problem and that he has made the City Engineer's office aware of a problem with the curb cut at the intersection of Lincoln and Broadway and they will be addressing the problem.
Mayor Mayans	Mayor Mayans stated that the Police Chief is taking notes and will be looking into this matter.
Mayor Mayans	Mayor Mayans reported that the speaker for item two on the Public Agenda was not available and is requesting that Carlos Nolla be allowed to give the Council an update on the Diversity Task Team.
Motion-- --carried	Fearey moved that the Council hear a report from the City's Diversity Task Force. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 2

Carlos Nolla

Carlos Nolla-Wichita Supplier Diversity Task Team.

Mr. Nolla reported that this is the second report by the Wichita Supplier Diversity Task Team. Its purpose is to update the City Council on the Task Team's current activities and progress. Stated that they have held approximately 14 meetings to date and that the Task Team is on schedule. Reported that in the past months, the Task Team has interviewed minority and women business owners as well as representative organizations. The Task Team has aggressively sought out and invited business owners and organizations to share their experiences with the City's procurement system in order to ensure a thorough investigation. Reported that they anticipate completing interviews by the end of December 2003 and that during the month of January 2004, the Task Team will analyze the data collected, reach its conclusions, and provide the City Council with its recommendations.

UNFINISHED BUSINESS

UNATTEND.VEH.

ORDINANCE AMENDING SECTION 11.52.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE VIOLATION OF ALLOWING A MOTOR VEHICLE TO REMAIN RUNNING, WHILE UNATTENDED.

Gary Rebenstorf

City Attorney reviewed items 3 and 3a.

Agenda Report No. 03-1392

On December 2, 2003, the City Council agenda included an amendment of Section 11.52.060 to allow remote starter systems to be used. However, the Council voted to repeal ordinances that prohibited a person from allowing a motor vehicle to be left with the engine running and unattended.

After further research, it was determined that there were other code sections pertaining to the same subject matter as Section 11.52.060(a). It is necessary to repeal the existing provisions of Sections 11.64.010, 11.64.020, 11.64.030 and 11.64.040, in accordance with the Council's direction.

Upon repeal of the ordinance, no citations for violation may be written through Wichita Municipal Court. Enforcement of this violation will be pursuant to state statute, and fines and costs will be payable to the state.

Motion--

Gray moved to adopt the previous ordinance that were presented to the Council on December 2, 2003, with a revision that would allow vehicles to be started manually but that the doors would have to be locked. Motion carried 7 to 0.

--carried

ORDINANCE NO. 45-946

An Ordinance amending Section 11.52.060 of the Code of the City of Wichita, Kansas, pertaining to the traffic offense of leaving a motor vehicle unattended with the engine running and repeal of the Original Section 11.52.060, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 3

UNATTEND. VEH.

ORDINANCE REPEALING SECTIONS 11.64.010, 11.64.020, 11.64.030 AND 11.64.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE OFFENSE OF UNATTENDED MOTOR VEHICLES.

Gary Rebenstorf

City Attorney reviewed the item.

Agenda Report No. 03-1393

On December 2, 2003, the City Council agenda included an amendment of Section 11.52.060 to allow remote starter systems to be used. However, the Council voted to repeal ordinances that prohibited a person from allowing a motor vehicle to be left with the engine running and unattended.

After further research, it was determined that there were other code sections pertaining to the same subject matter as Section 11.52.060(a). It is necessary to repeal the existing provisions of Sections 11.64.010, 11.64.020, 11.64.030 and 11.64.040, in accordance with the Council's direction.

Upon repeal of the ordinance, no citations for violation may be written through Wichita Municipal Court. Enforcement of this violation will be pursuant to state statute, and fines and costs will be payable to the state.

ORDINANCE NO. 45-947

An Ordinance amending Section 11.64.010, 11.64.020, 11.64.030 and 11.64.040 of the Code of the City of Wichita, Kansas, pertaining to the traffic offense of unattended vehicles, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NEW BUSINESS

ECONOMIC DEV.

ECONOMIC DEVELOPMENT INCENTIVE FOR AIRCRAFT SEAL & GASKET CORPORATION. (DISTRICT III)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 03-1303

Aircraft Seal & Gasket Corporation ("AS&G") has chosen to relocate its business operations and corporate headquarters from Brea, California to Wichita in consideration of certain economic development incentives that have been offered by the City, Sedgwick County and the Kansas Department of Commerce. The offers of City and County incentives have been made subject to approval by the City Council and County Commission.

AS&G is a manufacturer of elastomeric seals, hoses and gaskets used in the assemblage of airplanes, and is a supplier to Boeing, Northrup Grumman, Lockheed Martin, Raytheon, Airbus, Learjet, Swearingen and to most airline companies. AS&G will locate its Wichita operations in a leased industrial building at 2914 South Spruce, near Pawnee and K-15 Highway. The Wichita facility will also house operations of two sister companies: SPARES, Inc. is a recently acquired distributor who primarily serves the government and military suppliers with seals, gaskets and non-metallic special shape materials. Pacific Aerostructures, Inc. is a licensed FAA repair station with capability of repairing wing skins, wing panels, doors and other metal and composite structures on military and airline aircraft.

In addition to the corporate headquarters in Wichita, AS&G is locating a similar manufacturing operation in the City of Goodland, Kansas. Employment at the Wichita facility is projected to reach 120 new jobs by the end of five years, while that of the Goodland plant is projected at 105 new jobs over the same period. AS&G chose Wichita and Goodland out of eight cities they say they considered for the relocation of their business.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 4

The City and Sedgwick County have each offered AS&G a cash incentive equal to \$1,000 for each new job to be created at the Wichita facility. The incentive payment will be made in the form of a "forgivable loan" from each government in the amount of \$120,000. The loan proceeds will be used to pay the costs of relocating equipment from California to Wichita and of remodeling the Wichita facility. The terms and conditions of the loan are similar to those of a loan from the Kansas Department of Commerce to AS&G. The loan will have a term of five years, at the end of which it is either forgiven or repaid, depending on the extent to which the job creation goals were met. If the job creation goals are met or exceeded, the loan is forgiven and becomes a grant. If the company falls short of meeting the job creation goals at the end of five years, a prorated portion of the loan must be repaid at that time. The interest rate on the loan is zero percent. Another condition of the forgiveness of the loan is that AS&G will maintain its corporate headquarters in the Wichita facility.

The Kansas Department of Commerce has offered AS&G the following incentive package:

- \$75,000 KEIOF Forgivable Loan
- \$50,000 KEIOF Loan
- KIT Training Grant
- Enterprise Zone Tax Credits

The State incentives are available for the company to use in either of the two Kansas locations they have selected.

The \$120,000 incentive payment will be paid to AS&G in a lump sum from the City's appropriated general fund reserve.

The City has the legal authority to make loans or grants to private businesses for economic development purposes.

John Parksler Mr. Parksler stated that he is the CEO of this company and is excited to be locating his business in Wichita.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Lambke moved that the economic development incentive of a forgivable loan to Aircraft Seal & Gasket Corporation in the amount of \$120,000 be approved and the Mayor to execute the Loan Agreement be authorized. Motion carried 7 to 0.

--carried

WATERWALK PROJ. RESOLUTION CONSIDERING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN (TAX INCREMENT FINANCING) FOR THE WATERWALK REDEVELOPMENT PROJECT. (DISTRICT I)

Allen Bell Economic Development Director reviewed the item.

Agenda Report No 03-1304

In 1995, the City Council took the necessary legal steps to establish the East Bank Redevelopment District for the purpose of generating tax increment financing for public improvements located within the district. On September 10, 2002, City Council approved a Development Agreement and Master Plan for the development of the WaterWalk Project, located within the East Bank Redevelopment District. On December 2, 2003, Council approved amendments to the Development Agreement based on a previously approved Revised Master Plan. The City proposes to use tax increment financing ("TIF") to finance a major portion of the public improvements included in the WaterWalk Project.

The WaterWalk Project is a public-private partnership Redevelopment Project encompassing a mixed-use development that incorporates a waterway system, public parking facilities, streetscape improvements and open areas with privately developed office, retail, residential, entertainment venues and waterfront restaurants. The project area is from Kellogg Street to Waterman Street and from Main Street to McLean Boulevard. Under state law, before any incremental tax revenues can be captured and paid to the City for such purposes, the City Council must adopt a redevelopment project plan, following

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 5

notice and hearing, which provides details of the redevelopment project and the costs to be paid with tax increment financing.

State law prescribes the process the City must follow in adopting a redevelopment project plan for tax increment financing purposes. The City Council must first adopt a resolution stating it is considering the adoption of a redevelopment project plan and setting the time and place for a public hearing on the matter. The resolution, must be mailed by certified mail to the owners and occupants of all property located within the district, as well as to the Board of County Commissioners and to the U.S.D. 259 Board of Education. The time proposed for the public hearing on the WaterWalk TIF Project Plan is 9:30 a.m. or thereafter, on January 27, 2004, in the City Council Chambers.

The WaterWalk TIF Project Plan will identify the geographic area in which redevelopment project will occur, the specific costs to be paid with TIF revenues and the nature, scope and timing of new facilities to be developed as part of the redevelopment project. The redevelopment project plan will also include a detailed feasibility report that shows the sufficiency of TIF revenues and other project funding to pay all costs associated with the redevelopment project. Prior to the public hearing before the City Council, the Metropolitan Area Planning Commission will consider the redevelopment project plan and determine its consistency with the community's Comprehensive Plan.

In addition to TIF, the amended WaterWalk Development Agreement calls for the use of STAR Bonds to finance certain elements of the Project related to the construction of a national destination retail store. STAR Bonds are a form of tax increment financing, paid in large part by state retail sales tax revenues and therefore require the approval of a STAR Bond project plan by the Kansas Secretary of Commerce. The STAR Bond Project Plan cannot be approved at this time because the details of its submittal to the Secretary of Commerce are still being worked out.

Staff recommends approval of the TIF Project Plan now and the STAR Bond Project Plan later, as soon as detailed submittal requirements are known and the required information assembled. TIF-financed improvements are separate and do not depend approval of STAR bonds. The City's obligation to start work on TIF-financed improvements will be triggered when the WaterWalk developers submit a notice to proceed, which should occur prior to December 31, 2003. It is advisable to establish TIF financing authority by the time work on these improvements begins.

The cost of mailing the Resolution to all owners and occupants of property located within the district will be charged to the WaterWalk redevelopment project and ultimately paid from TIF revenues.

- Motion-- Brewer moved that the Resolution declaring its intent to consider adoption of a redevelopment project plan for the WaterWalk Redevelopment District and setting January 27, 2004, as the date for a public hearing on the matter be adopted.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Cybill Strum Ms. Strum stated that she does not think that the WaterWalk should be created and that the money should be used to help the citizens.
- carried Motion carried 5-2, (NO-Lambke and Martz).

RESOLUTION NO. 03-641

A Resolution stating the City of Wichita is considering the adoption of a Redevelopment Project Plan for the WaterWalk Redevelopment Project for the East Bank Redevelopment District, presented. Brewer moved that the Petition be approved and the Resolution be adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Schlapp, Mayans. Nays :Lambke, Martz

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 6

ELECTRICAL CODE ORDINANCE CHANGES TO THE CITY OF WICHITA ELECTRICAL CODE (TITLE 19).

Kurt Schroeder Superintendent of the Office of Central Inspection reviewed the item.

Agenda Report No. 03-1305

in Title 19 of the Code of the City of Wichita. However, before voting to approve the ordinance, Council directed staff to remove the new 2002 NEC provision pertaining to installation of Arc Fault Circuit Interrupters (AFCIs) in residential bedrooms (an arc-fault circuit-interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected).

The exclusion of the new AFCI requirement (that would only apply to bedrooms in residential new construction), was due primarily to opposition from the Wichita Area Builders Association (WABA). At the March 18, 2003 City Council meeting, WABA stated that the AFCI requirement will result in higher costs being imposed on the public without definite proof that utilization of these devices will result in an improved or safer housing product. After it's vote to adopt the ordinance without the AFCI requirement, the Council also directed staff to further review the use of AFCI devices, and to return this matter for further Council consideration within approximately six-months - after additional study was completed regarding the use and effectiveness of AFCI devices.

Since April 2003, the Board of Electrical Appeals, along with Office of Central Inspection staff and industry representatives have further reviewed the use, reliability and safety provided by AFCI devices. Throughout this process, the Board and staff continued to solicit input from various electrical trade organizations, industry representatives, and other interested individuals.

After additional review, the Electrical Board still believes that the use of AFCIs in new construction will result in fewer fires and will ultimately save lives. The Board also feels that AFCI breakers/devices have been shown to be both effective and reliable, based on additional study of their use and installation throughout the country.

The Board's recommendation for inclusion of AFCI requirements in the Electrical Code is based on additional data and documentation received supporting arc-fault circuit-interrupters. The Board has once again concluded that AFCIs provide a far safer degree of protection than conventional circuit breakers, and add an important significant level of safety in dwellings. The Board feels that the increased cost of AFCI installation in residential new construction is minimal when compared to the increased safety features. For a typical 1,500 square ft., three-bedroom dwelling, the estimated increased cost is approximately \$100 to \$150. The Sedgwick County Code Enforcement Division has for nearly two years been enforcing the new AFCI requirements for bedroom outlets in new residential construction (throughout unincorporated Sedgwick County), and report that they have seen no problems with AFCI installation or reliability, and have not received negative reports from contractors about their use.

Therefore, the Electrical Board has recommended unanimously, once again, that the requirement for AFCIs in bedrooms of newly constructed residences, as set forth in the 2002 edition of the National Electrical Code, be adopted by reference in Title 19 of the Code of the City of Wichita.

The proposed Title 19 code amendment is as follows:

Section 19.12.035: Repeal this amended Code section, as adopted after the March 18, 2003 City Council meeting, that eliminated the AFCI requirement. This section pertains to section 210.12 of the 2002 National Electrical Code that requires Arc-Fault Circuit Interrupter protection in dwelling units bedrooms. Repeal of the amended City Code section will re-instate the 2002 National Electrical Code requirement for installation of AFCIs to protect bedrooms in new residential construction.

There are no changes to present OCI permit, license and examination fees. The estimated additional cost for AFCIs for a typical new home is \$100-\$150.

Council Member Martz Council Member Martz inquired as to why this issue needed to be looked at now when the code will be revisited in 2004.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 7

- Kurt Schroeder Kurt Schroeder explained that the National Electrical Code is on a different cycle, so it would probably be another two or two-in-a-half years before the 2005 is brought back.
- Council Member Gray Council Member Gray stated that he does not feel that the technology for this is adequate yet and finds a difficulty in forcing a homeowner to spend more money when buying a new home.
- Kurt Schroeder Kurt Schroeder explained that this has been in testing development for six to seven years and it is being used across the country in many states and jurisdictions and has been for a couple of years. Stated that in Sedgwick County, they have been using this and requiring it for the past two years in the bedrooms and after speaking with them they said that they have not had reports of problems with these devices and in fact, have actually had some cases reported by contractors where they were called back because of an electrical trip and found defective wiring or cords and the devices worked as they should to prevent a possible fire in the wall. Explained that placing the devices in the bedrooms was thought by the committee to be a logical place to start this in new construction because that is where people are sleeping and there is often times a lot of electrical devices that are unattended.
- Council Member Gray Council Member Gray stated that he has read that this circuitry has difficulty detecting all the types of arcs that would take place within the appliances that could cause a fire as well as the arcs that would take place in damaged wiring.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Walter Smittle Mr. Smittle stated that he is a retired State Fire Marshal and that one of the most promising features that his association has seen is the Arc Fault Circuit Interrupter. Explained that this is the only technology that he is aware of that will detect and prevent a fire. Stated that there are four manufactures that produce this device and the National Electrical Manufacturers Association say that there are about six million of these devices installed in homes throughout the country and there have not been a single recall or major complaints that they are not working. Explained that it is designed to read a normal current and when you have arcing, it spikes and once it reads that spike, it will open up the circuit, which prevents the fire. Stated that Underwriters Laboratory has gone on the record endorsing this product.
- Larry Clark Mr. Clark, Chairman of the Electrical Board of Appeals, stated that the National Electrical Code is the electrical industry's standard and that the industry has decided that this was the best thing for the people because it will save lives and property and that the Wichita Electrical Board of Appeals strongly recommends that the City Council to adopt or re-institute the AFCI protection.
- Wes Galyon Mr. Galyon, here on behalf of the Wichita Builder's Association and the Codes and Standards Committee, stated that he has been involved with this issue as well and is asking that because of the controversy and different opinions surrounding the adequacy of this technology, that the code be amended to not include the installation of arc fault circuit interrupters. Stated that they have met with the Electrical Board prior to the time that this issue came before the City Council and the comments made were that the policy as a board is that they do not ever lessen the code but add to it. It has been suggested that the cost to a new home would be between a \$100 to a \$150.00, but could be significantly more on older homes where remodeling takes place. Stated that the number of concerns surrounding the requirement continue to exist and have yet to be adequately addressed by the proponents of it. Stated that they are not opposed to include any product in any home that improves life safety but they are opposed to being forced into a position by a code requirement to include technology that is still questionable and is in the process of being re-defined. It would be their proposal that the position of the City Council be that these devices not be added into the code in terms of being required to be installed and that the Council take a good look at this issue at the next review cycle of the NEC.
- Lonnie Wright Mr. Wright stated that he is a master plumber, building contractor and serves on the Rose Hill Plumbing Board. Stated that the cost in lives and injuries are not worth the savings that go to the builders. Urge the Council to retain the National Fire Protection Association's provision for safety that has been unanimously recommended by the DABs.
- Cybill Strum Ms. Strum stated that she feels that this device would be too costly and that the citizens should decide whether or not they want it in their homes.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 8

- Roy Minehart Mr. Minehart, Vice-President for Shelly Electronic and is on the Electrical Appeals Board. Stated that he has voted to accept the arc fault circuit interrupters. Stated that this would provide a level of protection for extension cords that are increasing in number in a home and that there is not a circuit breaker that can address this sort of problem. The whole reason for the code is life safety. Stated that he would like to hear Fire Chief Larry Garcia's views on this issue.
- Council Member Fearey Council Member Fearey stated that she would like the Fire Chief to express his views.
- Larry Garcia Fire Chief Larry Garcia, stated according to the National Fire Protection Association, one of the leading causes of residential fires are electrical malfunctions and that one of the leading cause of fire deaths is electrical fires. This device is simply a safety measure that can be incorporated in your home and the costs are incidental. If we have an opportunity to increase the safety of our citizens, thinks that we should and is very supportive of this device and would encourage the Council to consider this measurable preventable cause for fires in the home.
- Council Member Gray Council Member Gray stated that the Council should not force the City of Wichita to buy into potential protection until we know how well it is going to work.
- Motion-- Gray moved that the Council deny the first reading of the ordinance and to reexamine it next year when the revised code comes back to the City Council.
- Mayor Mayans Mayor Mayans stated that he is going to support the motion because he thinks it is an issue that needs more study.
- Council Member Fearey Council Member Fearey stated that she is not going to support this motion because it is the first and foremost duty of government to protect citizens and this is a very nominal cost for the citizens.
- Council Member Gray Council Member Gray stated that the reason an \$80,000 dollar house today costs \$100,000 dollars is because of all the small additions that a homeowner has to pay, which starts to add up and is making housing very unaffordable to a large portion of our population. Suggested that the Council should always tread lightly anytime we affect the consumer and make it that much more difficult for someone to achieve the American dream.
- carried Motion carried 5-2, (No-Fearey and Lambke).

UNSAFE STRUCTURE REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

- Kurt Schroeder Superintendent of the Office of Central Inspection reviewed the item.
- Council Member Martz momentarily absent.
- Council Member Brewer momentarily absent.
- Agenda Report No. 03-1306
- On November 4, 2003 a report was submitted with respect to the dangerous and unsafe conditions on two (2) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on December 16, 2003. Since that time one (1) property has been repaired by the owner. The remaining property is as follows.
- On October 13, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 9

Property Address
4237 East Menlo

Council District
III

Detail information/analysis concerning this property is included in the attachments.

Pursuant to State Statute the Resolution was duly published twice on November 5, 2003 and November 12, 2003. A copy of the resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Matt Foley

Mr. Foley stated that he is representing the organization that owns this property and he and others have done extensive work on the property. Stated that they have replaced 48 linear feet of the exterior shell. There was an acquisition by this organization to try to facilitate some revitalization in a distressed pocket of this neighborhood and he also serves as the Neighborhood Association's President. Stated that their intention was to create a botanical garden for neighborhood beautification and an outdoor sculpture garden. Stated that the City has continued to pay the previous owner rent that should have been going to them and that according to the recommendations of Mr. Rebenstorf, the City currently owes them over \$6,000 in back rent which is unavailable to them because of some other considerations. Stated that he is hoping that the Council will give them additional time to conclude the improvements.

Council Member Lambke

Council Member Lambke stated that Mr. Foley is on his District Advisory Board and he has been by this property on numerous occasions and it looks much better than it did when this organization acquired it. Stated it is a very positive influence in the neighborhood and an extension should be granted because it is all volunteer labor and the money is donated.

Cybill Strum

Stated that she does not like government officials bullying people.

Motion--

Lambke moved that the public hearing be closed; the building be declared a dangerous and unsafe structure be adopted and the BCSA recommended action to proceed with condemnation allowing 120 days to start demolition and 120 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of December 16, 2003; (2) the structure(s) has/have been secured as of December 16, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of December 16, 2003 and will be so maintained during renovation. Motion carried 7 to 0.

--carried

WATER WELL CODE WATER WELL CODE: REVISIONS TO CHAPTER 7.30.

Jack Brown

Environmental Health Director reviewed the item.

Agenda Report No. 03-1307

The City of Wichita has agreements with the Kansas Department of Health and Environment (KDHE) to provide institutional controls in areas where groundwater contamination exists (such as Gilbert and Mosley and the Northeast Industrial Corridor). The agreements are to ensure that the City will regulate well water quality to reduce the possibility of contamination of wells used for drinking water. The Department of Environment Health wants to ensure added protection for the public for all water wells (including wells outside of designated contaminated areas).

Staff from the Department of Environmental Health is proposing to license water well drillers and require permits for water wells prior to installation. KDHE already requires that all new water well installations are located appropriately prior to use. The issue of permitting water well drillers was reviewed by the District Advisory Boards (DABs) in late spring and all DABs voted to recommend the permitting proposal.

Environmental Health staff recently convened a stakeholders meeting where at least one of four water well drillers present expressed concern that a recent proposal might impede his company's operations. The City (by agreement with KDHE) must provide a proper regulatory role and have institutional codes to ensure the protection of the groundwater. Licensing well contractors will establish a more controlled and efficient network of communication between Environmental Health staff and contractors drilling

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 10

wells in the City, thus allowing the Department to effectively provide drillers with critical information on areas of contamination. Permitting water wells will enable the department to approve the location of the proposed water wells prior to drilling. Staff believes the human health and groundwater resources will be better protected through this regulatory process.

Staff proposes two options for City Council consideration:

Option #1 – Approve amendments to the current ordinance to require well drilling permits and well drilling licenses; or

Option #2 – Appoint an ad hoc committee for further review and evaluation of the licensing and permitting proposal. It is suggested that the committee be comprised of representatives from: well drillers; Wichita Area Builders Association; Environmental Health and Water Department staff; and members from the Technical and Citizens Review Committee (established for the Gilbert and Mosley groundwater contamination project); and others as deemed appropriate.

The financial impact on water well contractors from the proposed revisions will be the cost of a license at twenty-five dollars per year. There are currently fewer than 10 water well drillers known to be operating in the City. The cost of a permit to drill a well will be twenty-five dollars. Property owners will be responsible for permits and associated fees. Water Quality records indicate that \$15,000 additional revenue could be generated from permit fees based upon 2003 new well activity. The Adhoc committee will only require staff time.

If an Adhoc committee is initiated additional recommendations will require a legal evaluation.

- | | |
|-----------------------|---|
| Mayor Mayans | Mayor Mayans inquired if there would be any harm in forming an Adhoc Committee and hear their issues. |
| Jack Brown | Jack Brown stated that there would not be a problem with that and two weeks to a month would be adequate time to discuss any issues. |
| Council Member Martz | Council Member Martz stated that we could form an Adhoc Committee and have one member from everyone of those organizations present and resolve any issues and that he is in favor of option 2. |
| Council Member Brewer | Council Member Brewer stated that he has had an opportunity to meet with the representatives from Topeka in regards to water contamination and a small contamination can spread over a period of time, a very long distance. Stated that he feels that it is important to find out if there is a well that is being dug that the water is being tested for the safety of the citizens. |
| Council Member Gray | Council Member Gray stated that he is in favor of option 2. |
| Motion-- | Mayans moved to authorize Staff to form an Adhoc Committee to review the ordinance and provide recommendations to the Council and to appoint seven members to the Adhoc Committee, two from WABA, one from Well Drillers, one from Environmental Health, one from Citizens Review Committee, one from the Water Department and one from KDHE. Motion carried 7 to 0. |
| --carried | |
| Motion-- | Mayans moved to recess to lunch and have an executive session at 12:30 p.m. until 1:00 p.m. to consider consultation with legal counsel on matter privileged in the attorney-client relationship relating to: pending litigation; legal advice; contract negotiations; and preliminary discussions relating to the acquisition of real property for public purposes. Motion carried 7 to 0. |
| --carried | |
| Reconvene | The City Council reconvened back into the City Council Chambers at 1:10 p.m. |
| Mayor Mayans | Mayor Mayans stated that there is no action to be taken. |
| Motion--carried | Mayans moved to adjourn the executive session. Motion carried 6 to 0, (Martz absent). |

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 11

DRUG TESTING

MUNICIPAL COURT PROBATION DRUG TESTING SERVICES.

Kay Gales

Court Administrator reviewed the item.

Agenda Report No. 03-1308

The Municipal Court Probation Office supervises defendants placed on probation for alcohol and or drug related offenses. Drug testing is used as a screening tool to determine a defendant's prior, recent or chronic use of drugs. Abstinence from alcohol and drugs will decrease the likelihood of further legal problems and increase the likelihood of completing probation requirements successfully. To help insure abstinence from drug usage, the Court orders random drug testing as a condition of probation. The defendant is responsible for paying for these tests.

The Court refers up to thirty (30) defendants per week for drug testing. The drug testing service provider is responsible for collecting urine samples according to established guidelines, including chain-of-custody procedures, and providing the court with the necessary documentation regarding individual drug tests. Additionally, on-site drug tests are performed at scheduled court hearings. If the results of a drug test are disputed, a confirmation test is performed by an accredited laboratory.

A Request for Proposal (RFP) was developed seeking contractors that could provide professional drug testing services to Municipal Court at the most economical cost to the defendant. The RFP was sent to 16 vendors, was published in The Derby Reporter and was posted on the City's Web site. Four companies responded with testing costs ranging from \$15 per test to \$45 per test. Additionally, the cost for confirmation tests ranged from \$20 to \$30 per test. A selection committee reviewed and evaluated the proposals submitted to the City. Comprehensive Community Care of Sedgwick County (ComCare) proposed the lowest cost and is recommended by the staff selection committee. ComCare has provided services to the Court under a separate contract for a number of years. Their service to the Court has been of the highest professional standard.

The costs to perform alcohol and or drug testing are paid by the defendant to the service provider at the time of testing. The Court's budget will not be affected by the contract. As submitted by the proposed vendor, the cost per drug test to the defendant is \$15 compared to \$35 per test currently assessed. If the drug test results are disputed by the defendant, a confirmation test is required and the proposed cost is \$20.

The contract will be approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the contract with Comprehensive Community Care of Sedgwick County (ComCare) be approved and the necessary signatures authorized. Motion carried 7 to 0.

GRANTS REVIEW

GRANTS REVIEW COMMITTEE APPOINTMENTS.

Tom Smith

Finance Department reviewed the item.

Agenda Report No. 03-1309

On March 28, 2000, the City Council approved the change in composition of the Grants Review Committee due to the abolishment of the Human Services Advisory Board and the Citizen Participation Organization. The newly established Grants Review Committee is now comprised of twelve (12) members from the following areas: 4-District Advisory Board; 1-United Way; 1-Sedgwick County; 1-USD #259; 2-Wichita Independent Neighborhood Association; 1-Wichita State University; 1-large business and 1-small business.

The Grants Review Committee reviews the funding applications, holds one public hearing/applicant presentation and makes funding recommendations to the City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 12

The City Council is requested to select one large business representative and approve the new and carryover appointments to the Grants Review Committee. In the event one of the nominees is unable to serve, it is requested the City Council authorize the City Manager to appoint a replacement.

The City has completed the required actions and the Council may make the appointments to the Grants Review Committee.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Lambke moved that the one large business representative Janine Case-Smiley, with Intrust Bank, and the new, Debbie Moore, be selected and the carryover appointments to the Grants Review Committee be approved. Motion carried 7 to 0.

--carried

EMPLOYEE UNION

EMPLOYEE UNION CONTRACTS AND SALARY ORDINANCE 2004.

Phil Murphy

Employee Relations Officer reviewed the item.

Agenda Report No. 03-1310

Contracts for the next year (2004) have been negotiated with the following employee unions, and are presented to the governing body for approval:

Service Employee's International Union (SEIU)
Teamsters Union (Airport Safety)

The contract for the next two years (2004-2005) has been negotiated with the Teamsters Local 759 (Transit employees) and is presented to the governing body for approval:

The revised ordinance implements the compensation agreed to in these three contracts, as well as the compensation for all other City employees, not represented by a union. The ordinances further addresses maintenance of internal pay equity among various positions.

Review of position classifications is an ongoing process for the City. With changes in services provided and in the way departments and work programs are organized, positions need to be created/or modified accordingly. To the extent practical, it is desirable to have job titles that best reflect the actual duties of positions.

The salary ordinances submitted includes a one-year schedule for two contracts and a two-year schedule for one contract consistent with the method used to deal with bargaining units' one or two year plan. Additionally, an analysis of the non-represented ranges was completed to determine appropriate compensation for 2004 and to address compression problems and pay equity issues. The ranges for positions classified in the City's ordinance increase, however all salary increases will be based on merit and annual general pay adjustments.

Changes to certain jobs and titles to better describe the nature of the jobs and to adopt more current job descriptions are recommended as follows:

Existing Titles to be deleted
Traffic Engineer
Clerical Aide (A) – (C)

Proposed Title
City Traffic Engineer
Clerical Aide (A1) – (C1)

New Title to be added
Arts and Cultural Services Director

Range
114

Salary Range Changes
Chief Airport Public Safety
Deputy Chief Airport Public Safety
Golf Course Manager

Upgrade to 112
Upgrade to 113
Upgrade to 113

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 13

The total cost associated with contract negotiations and salary/wage adjustments for non-represented employees will be financed within the adopted budget, as approved by the City Council.

The City Attorney's Office has reviewed and approved the ordinances as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the Declaration of Emergency be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading and adopted. Motion carried 7 to 0.

ORDINANCE NO. 45-943

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-524. . Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 45-944

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing ordinance no. 44-453. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

Motion--
--carried

Gray moved to consider moving up Item 21, as he will be leaving soon. Motion carried 7 to 0. (Action is shown in agenda order.)

RWD #5

ACQUISITION OF ANNEXED RURAL WATER DISTRICT #5 CUSTOMERS.

Dave Warren

Director of water and sewer reviewed the item.

Council Member Martz momentarily absent.

Agenda Report No. 03-1311

The City of Wichita has annexed an area generally described as the vicinity of 127th St. East and 21st St. North. The area encompasses twenty-nine properties that are currently being served by Rural Water District #5 (RWD #5).

Under Kansas statute, when a municipality annexes a portion of the service territory of a rural water district, it is necessary for them to enter into negotiations in order for the municipality to acquire the facilities of the rural water district within the annexed area. Kansas statute defines the process whereby the acquisition cost may be determined, in the event the two governmental units are unable to reach a mutually agreeable settlement.

Case law in Kansas has generally been supportive of the capitalization of income approach as appropriate for determining the value of annexed properties. A recap of financial data using this approach has been completed and analyzed, and under this method, a purchase price has been established at \$285,000.

A sum of \$285,000 will be required and provided through an amendment to the existing Capital Improvement Program. Additional revenues produced by access of the customer base will offset the purchase price. The customers in the annexed area are expected to produce revenues of approximately \$5,500 annually at current rates. Potential future development of commercial properties will produce additional revenues.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 14

The Department of Law will approve the purchase Agreement as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the purchase be approved and the existing CIP be amended. Motion carried 4 to 0, (Gray absent, Lambke and Martz momentarily absent).

VISITORS BUREAU

CONTRACT RENEWAL: CONVENTION AND VISITORS BUREAU.

Jessica Johnson

Marketing Director reviewed the item.

Agenda Report 03-1311

The Contract for the current fiscal year has been negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. Alf Nucifora, the consultant that penned the Strategic Master Plan for Tourism returned to revise the original plan. It was through the revised plan that many initiatives were recommended including: greater packaging of attractions and area hotels; more aggressively marketing within the 3-5 hour drive time radius; greater assistance to area attractions to promote tourism and assistance in the continued development of Wichita's events strategy. The 2004 contract was developed with the key initiatives in mind. The provisions of this contract will ensure that these main goals are accomplished while continuing the partnership of the GWCVB with the City of Wichita.

This year (2003) brought several successes to the GWCVB. As the developing organization of the Tourism Plan, several activities should be pointed out as accomplishments including: meeting key goals outlined in the 2003 contract, partnering to make the Wichita Aviation Festival a success; formation of a hotel/lodging council; implementing a new golf initiative in partnership with the City of Wichita. The Bureau has also secured new conventions; worked to enhance the tourism product and developed a new "brand" for Wichita. However, the Transient Guest Tax (TGT) Fund for 2003 was down slightly from projected numbers. All of this has been considered in the development of the 2004 contract.

The proposed 2004 contract will continue marketing efforts and focus on priority projects contained in the Strategic Master Plan for Tourism. Some of the important CVB goals for this year include: increase of convention and motor coach tour room nights; expanded hotel, attraction and activity with marketing and promotions; enhanced website and research/survey capabilities, including an on-line reservations system; and increase efforts to secure private and other funding sources to support Wichita's tourism initiative. Aggressive goals are put in place to elevate visitor and convention numbers that will therefore, increase revenue in the TGT fund.

The proposed budget with the Convention and Tourism Bureau provides for funding in the amount of \$1,569,010. The 2004 contract decreases the CVB's allocation by \$108,450 from \$1,677,460 to \$1,569,010. This is due to the Transient Guest Tax declining for the calendar year. However, as the economy improves in 2004, it is anticipated that revenues may regain their previous level.

The agreement will be approved as to form by the Department of Law.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayan moved that the Contract with the Convention and Tourism Bureau be approved and the necessary signatures be authorized. Motion carried 5 to 0, (Gray absent and Lambke momentarily absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 15

SBA MICRO LOAN

SBA MICRO LOAN AGREEMENT AND APPOINTMENT OF LOAN COMMITTEE.

Tom Smith

Finance Department reviewed the item.

Agenda Report No. 03-1313

On November 18, 2003, the City Council approved two (2) new City loan/investment programs to assist the City's economic development efforts. These include an expansion of the existing SBA Micro Loan program to serve additional Wichita businesses and a Small Business Capital Fund to create a new, non-traditional capital business financing program for Wichita businesses that cannot qualify for conventional financing.

The SBA Micro Loan program will address small businesses. City funds of \$50,000 will be utilized to pay for the SBA required Loan Loss Reserve for South Central Kansas Economic Development District's (SCKEDD) SBA Micro Loan program for loans in Wichita that meet the City's targeted goals. SCKEDD must have \$1 of Loan Loss Reserve funds for every \$10 in SBA Micro Loan it loans to clients. SCKEDD has been approved for an additional \$500,000 in SBA loan funds but must secure the \$50,000 in local funds for the Loan Loss Reserve. By using \$50,000 in City funding for the Loan Loss Reserve, this leverages \$500,000 in SBA Micro Loan funds, bringing in \$10 in SBA loan funds for each \$1 in City funding. This could result in an additional 40-50 loans initially and more loans as loan funds are repaid and re-loaned (revolving).

Staff has negotiated an agreement with SCKEDD to implement the program. The term of the agreement is three years commencing on December 16, 2003 and ending December 15, 2006. Total payments under the agreement will not exceed \$50,000. City funds will be used to expand the amount of SBA Micro Loan funds available to Wichita businesses by up to \$500,000, by paying the loan loss reserve required by SBA for each Micro Loan. An ordinance has been drafted to implement the program.

The ordinance calls for the establishment of a Loan Committee comprised of not less than three or more than five members which must be appointed by the City Council. The Loan Committee will review the SBA Micro Loans after they have been approved by SCKEDD.

The Loan Committee will approve/disapprove the loans and authorize the payment of City funds for the SBA-required loan loss reserve. The City Council is requested to appoint five (5) members to be effective upon publication of the ordinance.

Total payments will not exceed \$50,000 under the agreement.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the request for Declaration of Emergency be approved; the ordinance on first reading be adopted; the agreement be approved; and the appointments effective upon publication of the ordinance be made. Motion carried 6 to 0, (Gray absent).

--carried

ORDINANCE NO. 45-945

An Ordinance of the City of Wichita, Kansas (the "City"), authorizing the execution of a contract for loan loss reserve with South Central Kansas Economic Development District, Inc. ("SCKEDD") under the SBA Microloan Program pursuant to Public Law 102-140, as amended, in connection with the financing of a portion of the loans extended to qualified eligible small businesses within the City of Wichita under the SBA Microloan Program and authorizing the appointment of a loan committee to review and approve such loan loss reserve.. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray, absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 16

WICHITA BIZ LOAN ORDINANCE TO AUTHORIZE SECTION 108 WICHITA BIZ LOAN PROGRAM AMENDMENTS.

Tom Smith Finance Department reviewed the item.

Agenda Report No. 03-1314

On November 20, 2001 City Council approved the original ordinance and execution of the HUD Section 108 Contract for Loan Guarantee Assistance and EDI funding agreements. The legal documents approved by the City Council on November 20, 2001, were revised by HUD to extend the commitment dates, allow the issuance of multiple notes and other minor changes that will make the program easier to facilitate. Action is required to amend the ordinance in order to implement changes for the Wichita Biz Loan Program to add additional lenders and permit a pending loan transaction prior to the end of 2003.

The revised ordinance authorizes the City to change the name of the program from the "Business Assistance Program" to the "Wichita Biz Loan Program". The revised ordinance designates INTRUST Bank, N.A. as custodian of certain accounts and security documents required by the HUD contract for Section 108 loan guarantee assistance. The revised ordinance authorizes the participating banks to extend conventional loans to potential borrowers as well as loans supported by the SBA guaranteed loan program. Bank conventional loans will be subject to the terms of the Operating and Co-Guaranty Agreements. The revised ordinance will also authorize the Co-Guaranty Agreement and Operating Agreement with Commercial Federal Bank and such other banks as may elect to participate in the program. The amendment also permits the City to authorize the lender to provide the full amount of the loan from bank funds pending City draw down of HUD Section 108 funds.

HUD has approved the Section 108 Loan Guarantee funds in the amount of \$3 million to serve as a portion of the loan pool. The maximum amount of the loan pool potential is \$9 million. The revised ordinance will permit the expansion of the current Wichita Biz Loan pool of \$3 million dollars by adding additional lender(s). To the extent additional lenders participate in the Biz Loan program the loan pool will expand.

Upon passage of the revised ordinance, the City will have met the requirements necessary to authorize the "Wichita Biz Loan" program name, authorize INTRUST Bank, N.A. as the custodial bank, authorize the participating banks to extend conventional loans to potential borrowers and authorize the execution of agreements with Commercial Federal Bank.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the declaration of public emergency be approved; the ordinance on first reading be adopted; and the Mayor to sign the amended Ordinance be authorized. Motion carried 6 to 0, (Gray absent).
--carried

ORDINANCE NO. 03-942

An Ordinance of the City of Wichita, Kansas, amending Sections 2, 3, 4, 7 and 8 of Ordinance no. 45-497, and repealing the prior versions of such Sections. . Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

9TH ST./GROVE TRANSFER OF CITY PROPERTY AT 9TH STREET AND GROVE.

Tom Smith Finance Department reviewed the item.

Agenda Report No. 03-1315

On March 5, 2002 the City Council allocated \$55,000 in Community Development Block Grant (CDBG) funds for the acquisition and clearance of the property located at 2402 E. 9th Street. This

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 17

property is adjacent to Urban League Community Learning Center. The property was purchased on an interim basis for the purpose of selling the land to Urban League at the City's cost for use as a parking lot and expansion of the Community Learning Center.

The property appraised for \$35,000. The owner had several offers and the City agreed to purchase the property for \$40,000. The closing costs, title insurance, environmental testing, demolition and related costs were \$13,222, for a total project cost of \$53,222.

On October 3, 2001, Mr. Otis Milton, President, Urban League, requested the City acquire the property and hold in abeyance. Urban League stated their target date to take out interim City funding was December 31, 2003. On August 28, 2002, Mr. Prentice Lewis, Senior Vice President, Urban League, submitted a letter to the City stating that Urban League was committed to acquire the 2402 E. 9th Street property from the City when it is in a marketable condition under the same terms outlined in Mr. Otis Milton's October 3, 2001 letter.

Recently, Urban League has approached the City and requested the City donate the land to Urban League at no cost. This is contrary to the written representations made by Urban League to the City of Wichita before the CDBG allocation was made and after City funds were expended.

The City has invested a total of \$53,222 in the property.

The City has the option of selling or donating the land. Both are eligible under CDBG rules.

Mayor Mayans Mayor Mayans inquired whether anyone wished to speak and no one appeared.

Council Member Brewer Council Member Brewer explained that this property has to do with the Wichita Urban League, which is a non-profit group that provides services for individuals and provides them with training and additional skills that would help them get their GEDs and are dealing with a lot of the youths that are not allowed to go back into the public schools for various reasons. Stated that this would be good for the community and is a good investment.

Motion-- Brewer moved that the sale of the property be approved.

Council Member Lambke Council Member Lambke stated that the original agreement states that they agreed to buy this land back.

Council Member Brewer Council Member Brewer explained that in the original agreement they did agree to buy the land back but it had to do with funding that they were receiving and the funding ended up getting cut. Stated that this is a worthwhile project that has a long history in the City of Wichita.

Council Member Fearey Council Member Fearey inquired what would happen if the council gave them another year to come up with the money and is it possible under the CDBG. When the Council votes on something under one set of circumstances it concerns her that the consensus would come back later and reallocate the money instead of it going through the normal procedures. Stated that she would prefer to give them more time to try and come up with the money to pay the City back.

Substitute Motion Fearey moved that Urban League be given another year to pay back the money and that the Council reevaluate it at that time. Motion carried 4 to 2, (No-Brewer and Schlapp, Gray absent).
--carried

SWIMMING POOLS **SWIMMING POOLS AND WATER FEATURES.**

Doug Kupper Director of Parks and Recreation reviewed the item.

Agenda Report No. 03-1316

Since 1998, the Capital Improvement Program (CIP) has included money annually for rehabilitation, repairs and refurbishment of swimming pools City-wide. The proposed 2004 – 2013 CIP includes \$100,000 for 2004 and increases to \$120,000 and \$140,000 in later years for the refurbishment of pools. Specific improvements routinely include sandblasting, repainting, leak repairs, replacement of ladders,

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 18

guard stands, shade shelters, diving standards and boards; and other repairs necessary to keep the pools attractive and safe for public use.

The Park and Recreation Department maintains and operates 12 swimming pools within the City's park system. The pools all have different levels of utilization and cost recovery, but City pools historically have an average cost recovery of 50-55%. Costs not recovered through operations are borne by the taxpayers at large. Also, cost recovery is calculated using only the direct costs – primarily the cost of water, chemicals, utilities and lifeguards. Indirect costs such as administrative and capital costs, (i.e., pool construction, repair and refurbishment) are not included in the 50% cost recovery figure. Including all costs of providing public pools would push the cost recovery rate even lower.

Although swimming pools are costly to operate and maintain, the public has indicated in surveys that they feel public aquatic recreation is important. Interactive Water Features (IWFs) are alternatives to maintaining and operating swimming pools. To date, the City has installed IWFs at three locations: Lincoln Park, Celebration Plaza in Riverside Park, and the Warren Plaza in Old Town. The first IWF installed by the City is at Lincoln Park, where it has received overwhelmingly favorable reviews from the neighborhood. The water feature is totally accessible to all citizens, is free of charge, and is enjoyed by both adults and children. Since the operational costs are primarily the maintenance of the plumbing, the facility is friendly to taxpayers as well.

The proposed 2004 –2013 CIP includes the installation in 2004 of another IWF in Fairmount Park, where a swimming pool was located several years ago. Based on the positive public response to the existing IWFs, staff feels that one additional swimming pool (other than at the Fairmount Park site) could be demolished at this time and replaced with an IWF. Staff supports the idea of further reducing the number of pools and converting them to IWFs as funding becomes available. IWFs result in cost savings for the City through the elimination of costly repairs and maintenance to low performing pools. The pool with consistently low performance, based on attendance, number of swimming lessons and high maintenance costs, is Osage Pool in southwest Wichita. The neighborhood near this site has a larger pool available nearby at Aley Park.

The 2004 CIP includes \$100,000 designated for the improvement and repair of existing pools. In addition, the 2004 CIP includes \$600,000 for improvements to the Northeast Sports Complex for additional parking lots to support Stryker Soccer fields. The IWF costs approximately \$400,000 for construction, based on size, types of features and the extent of utility improvements needed to serve the facility. If the IWF at Osage is approved, it is recommended that 2004 swimming pool funds be used (\$100,000 from the CIP) and the \$300,000 shortfall be funded from the 2004 Northeast Sports Complex project. The remaining \$300,000 in the Northeast Sports Complex could be used for additional parking at the soccer complex, as originally programmed, or it could be added to the current baseball project's CIP funding, allowing for the construction of two baseball diamonds, rather than just one.

Annual maintenance costs for an IWF are projected to be \$2,500, compared to approximately \$8,000 in annual maintenance costs. In addition, the staffing costs at Osage Pool would be eliminated for a savings of \$10,000.

The Law Department will approve the bonding resolutions as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Doug Kupper

Doug Kupper recommends to approve option one.

Motion--

Mayans moved that the 2004 CIP in the amount of \$400,000 for an IWF in Fairmount Park be authorized; the \$400,000 to convert Osage Pool to an IWF be approved and all necessary signatures to approve the bonding resolutions and initiate the projects be authorized and the IWF at Osage with the funding from 2004 Swimming Pool Refurbishments and \$300,000 from the Northeast Sports Complex for a total of \$400,000 be approved. Motion carried 6 to 0, (Gray absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 19

CITY COUNCIL AGENDA

SPEC. ASSESS.FIN. SPECIAL ASSESSMENT FINANCING; APPOINTMENT OF COMMITTEE.

Terry Cassady Development Assistant Director reviewed the item.

Agenda Report No. 03-1317

At its November 18, 2003 meeting, the City Council approved implementation of a one-year pilot program to determine the impacts of extended 20-year special assessment financing for prospective new developments and existing Wichita neighborhoods without municipal services be approved.

Each and every application submitted for extended 20-year special assessment financing is to be reviewed by a permanent committee to be appointed by the City Council. This committee will remain consistent throughout the pilot project. The City Council approved the concept for extending special assessment projects, but has not yet appointed any members to the permanent committee. Discussions were held that the initial task force should continue throughout the first year as the committee to review proposals to ensure they meet the intent and follow the criteria.

The (initial) task force that developed the program criteria and review process is willing to continue to serve as the review/approval committee for applications for 20-year special assessments should the City Council so desire. Those members and their affiliations included: Vice Mayor Sharon Fearey; Bob Martz; City Council; Wess Galyon, WABA; John McKay, WABA; Kevin Mullen, WABA; Jay Russell, WABA; Steve Lackey, Public Works; Neil Cable, Public Works; Kelly Carpenter, Finance; Kristi McMinnville, Finance; and Terry Cassady, Development Assistance Director. In the event that any of these individuals are unable to serve on the committee, a counterpart or replacement will be recommended to the Council for its approval.

The Council has the authority to appoint individuals to serve on City committees, boards and commissions.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Fearey moved that the City Council appoint a committee to review requests for extended special
--carried assessment financing as defined. Motion carried 6 to 0, (Gray absent).

FOCUS GROUPS AUTHORIZATION OF FOCUS GROUPS.

Cathy Holdeman City Managers Office reviewed the item.

Agenda Report No.03-1318

The City Council is in the process of selecting a new City Manager. The Council has approved utilization of the services of Slavin Management Consultants to assist with the search. This firm will define the position profile, identify and evaluate qualified candidates, and assist with selecting the candidate for employment. As part of the development of the position profile, the City Council at its Workshop on December 5, 2003 determined that it would like to engage focus groups to assist with the development of candidate qualifications. This activity was not included in the Slavin Scope of Services but can be provided by Wichita State University Hugo Wall School.

The City Council as part of its search process for a new City Manager has determined that it would like to gain the input of citizens and City staff to help determine the needed qualifications for this individual. Wichita State University, Hugo Wall School will provide assistance to the City with the development and implementation of nine focus groups. The University will select 15 individuals in each of the six City Council districts to participate in one-hour focus groups. Additionally three City staff groups will also be asked to participate in focus groups.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 20

The City is requesting \$1,350 from the Wichita State University Community Service Fund to be used for creating and receiving input from nine focus groups.

The Law Department will approve the contract as to form.

Council Member Schlapp Council Member Schlapp stated that she feels it is extremely important for the members of the community to have some input as to what they feel the qualifications of the new City Manager should be.

Motion--carried Schlapp moved that the funding for focus groups be approved. Motion carried 6 to 0, (Gray absent).

APPOINTMENT

APPOINTMENT OF INTERIM CITY MANAGER.

Council Member Martz Council Member Martz stated that because of the resignation date of Mr. Cherches, he feels that it is important to appoint an interim City Manager effective January 1, 2004, that the Council do the appointment today.

Motion-- Martz moved to appoint Cathy Holdeman as the interim City Manager and to serve in such position beginning January 1, 2004 and continue until a new person is appointed and begin serving as the City Manager, authorize the term of condition to be negotiated between the City Council and the interim City Manager and approve the agreement and authorize the necessary signatures.

Mayor Mayans Mayor Mayans stated that he is going to vote against this because a few of the Council Members have decided that there would be no other candidates to surface for this position. There were several suggestions of other people, which were all turned down. There were no considerations for any other candidates either internally or externally.

Council Member Martz Council Member Martz explained that the organizational structure that is within the City currently has Cathy Holdeman as the Assistant City Manager and personally feels that it is important for the integrity of the structure to be adhered to. Stated that she is qualified and has served in this position for eight years, which gives her a broader view of the City operation as a whole more than any other individual and that it is an interim position and only until the new manager is hired.

Mayor Mayans Mayor Mayans stated that the Council as a whole has not sat down and discussed this issue and looking at other options.

Council Member Martz Council Member Martz stated that this subject was discussed during an executive session.

--carried Motion carried 5 to 1, (No-Mayans, Gray absent).

(This Item was considered earlier in the agenda. Action is shown in Agenda order.)

INTERIM SERV AGMTCONSULTATION AND INTERIM SERVICE AGREEMENT.

Council Member Gray Council Member Gray stated that due to the City Manager leaving, he asked Mr. Cherches if he would consider staying on as a consultant in some fashion for approximately six to nine months and asked him to formulate a proposal.

Council Member Lambke Council Member Lambke stated that he has received no background information regarding this prior to the meeting.

Council Member Gray Council Member Gray stated that the Council was provided information by fax as well as e-mail.

Chris Cherches Mr. Cherches explained that what is being considered was part of a severance package negotiated with Council Member Gray, in that he could be available to serve in an advisory capacity, if needed, and meet with Department Heads as required or necessary, to effectuate various projects that are planned or pending during the interim period while the recruitment of a new City Manager takes place. He also

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 21

agreed that he would be available to the new City Manager following his/her employment to provide any orientation or background of programs or services, as may be requested.

- Council Member Gray Council Member Gray stated that he feels that this is an important enough issue that should be addressed today being the last Council Meeting before the end of the year and what has been proposed is that the Manager be available for six months during the interim period which is the projected time that it would take for a manager to be hired and an additional three months after that. For this, his current compensation will continue for six months, together with current insurance to carry him through the year of 2004.
- Mayor Mayans Mayor Mayans stated that he also did not receive any information until last night via e-mail and that the Council has not had a discussion regarding this issue. There have been loose conversations between Council Members about different ideas. Stated that he has gone on record as saying that if that is what the Council wants to do, that we keep the City Manager as the interim.
- Council Member Gray Council Member Gray explained that the City Manager would receive six months of insurance on the contract that was previously approved on April 1, 2003 for his employment contract, so that he already has six months of insurance guaranteed under his current contract for the first six months of 2004.
- Mayor Mayans Mayor Mayans stated that you cannot have a legal contract without re-numeration and you have to specify what that is. Stated that this issue has not had the consensus of the Council and that there were other options that were not considered and how do we know that the interim will need assistance.
- Council Member Gray Council Member Gray stated that he believes that no matter the experiences and qualifications of any individual that is hired for the interim position, is going to need the experience of the current City Manager. Stated that this is a common practice that is taken on by many other factions of government and private corporations and is not an unusual practice to maintain some kind of continuity by keeping the previous leaders and administrators on for a transitional period.
- Mayor Mayans Mayor Mayans stated that the way this was devised was under less than harmonious communication and that this was just a few Council Members working behind the scenes and that this dispenses more money than if we would have contracted the Manager as the interim and it is not fair to the tax payers.
- Council Member Gray Council Member Gray stated that it is his understanding that the current City Manager has chosen not to stay on as the interim. Stated that if there is any debate as far as the speediness of getting the information out to the Council Members regarding the proposal and the lack of enumerations within the contract, he would suggest that we have a special meeting/work shop on December 30th and direct Staff and legal department along with the Manager to formulate an improved contract.
- Council Member Martz Council Member Martz stated that he has seen an e-mail and his understanding on part of this agreement was that the Manager would receive a pro-rated amount of the Manager's current salary and benefits and this was sufficient enough for him. He has discussed this with the Manager and his understanding is that the Manager would prefer not to serve as an Interim Manager but at the same time he has offered to be available as needed to consult as needed via the proposed severance agreement. Stated that the Council would be remiss not utilizing the Manager's 18 years experience with the City of Wichita and he is very supportive of doing whatever effort it takes to implement an agreement for Mr. Cherches being available as a consultant.
- Council Member Brewer Council Member Brewer stated that Mr. Cherches does not want to stay on as the Interim Manager but that he has agreed to stay on as a consultant. Stated that he thinks it is important to do whatever is necessary to keep that type of resource available to the City so that we can continue to move forward. If we choose to not do this and hire someone who has no knowledge of City Government, then we are asking for trouble and we will lose the knowledge base and put someone in this position that is not knowledgeable of the City, projects, resources that are available throughout the City and the State. Stated that he feels that this is important.
- Council Member Fearey Council Member Fearey stated that she received her information in advance also and is ready to vote on this matter today and thinks that we need to have this finished so that we can move on and is ready to vote on it today and calls the question.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 22

Motion-- Gray moved to approve the agreement, as proposed with Chris Cherches and authorize the Mayor to sign.

Mayor Mayans Mayor Mayans stated that he would not sign the contract and that the Vice-Mayor could sign it.

--carried Motion carried 5-2, (NO-Lambke and Mayans).

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR VICE-MAYOR FEAREY TO ATTEND NLC LEADERSHIP TRAINING INSTITUTE IN SAN ANTONIO, TEXAS, APRIL 22-24, 2004.

Motion--carried Martz moved that the expenditures be approved. Motion carried 5 to 1, (No-Lambke and Gray absent).

BOARD APPTS. BOARD APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Motion-- Mayans moved that the Consent Agenda be approved as consensus Items except for items 33N and
--carried 61B. Motion carried 6 to 0, (Gray absent).

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 15, 2003.

Bids were opened December 5th and 12th 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2003 Sanitary Sewer Rehabilitation Phase E (various locations) - north of 31st Street South, east of Meridian. (468-83702/620389/663510) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

Insituform Technologies - \$170,335.50

2003 contract maintenance preparatory curb & gutter repairs - north of 47th Street South, east of 135th Street West. (472-83742/132714/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District ALL)

Barkley Construction- \$200,000.00 (Engineer's estimate)

Asphalt parking lot stalls east of Central Maintenance Facility - 1801 South McLean Boulevard. (472-83897/130807/N/A) Does not affect existing traffic. (District IV)

Kansas Paving Company - \$16,033.50

Water distribution system to serve Tara Falls Addition - south of Harry, west of 127th Street East. (448-89880/735148/470818) Does not affect existing traffic. (District II)

Nowak Construction - \$31,440.96

Lateral 357 Four Mile Creek Sewer to serve Tara Falls Addition - south of Harry, west of 127th Street East. (468-83706/744010/480698) Does not affect existing traffic. (District II)

K C Excavating - \$38,994.00

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 23

2003 contract maintenance area concrete street repairs Phase 5 - north of Douglas, east of West Street. (472-83879/132714/131532/N/A) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,VI)

Kansas Paving Company - \$240,140.00 (Engineer's estimate)

Grandview Heights water main replacement - the area bounded by Harry, Bluff, Mt. Vernon, Hillside. (448-89810/634026/773197) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Duling Construction - \$517,306.58

Harry, Oliver to Woodlawn (87N-0191-01/472-83685/706852/203318) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$568,181.10 (Subject to KDOT Approval)

Installation of streetlights on Waterfront Parkway between 13th Street North and Webb Road (472-82808/765809/490920) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Lawnworks, Inc. - \$242,441.00 (Base Bid)
\$ 58,500.00 (Add Alternate #2)

2003 sanitary sewer reconstruction Phase 10 (various locations) - north of Pawnee, east of Meridian, south of 21st, west of Rock - 468-83721/620390 /663511/ Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,VI)

WB Carter Construction - \$275,131.00

Lateral 43, Main 24, War Industry Sewer to serve Waterfront Second Addition - north of 13th Street North, east of Webb. (468-83741/744021/480709) Does not affect existing traffic. (District II)

K C Excavating - \$34,126.00

Water distribution system to serve Waterfront Second Addition - north of 13th Street North, east of Webb) (448-89901/735156/470826) Does not affect existing traffic. (District II)

K C Excavating - \$19,118.00

Water Supply Line to serve property along 55th Street South from Mosley to Hydraulic (448-89801/635648/763704) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Nowak Construction - \$129,768.10

Traffic signalization of Waterfront Parkway and 13th Street North to serve The Waterfront Addition - 13th Street North and Webb Road. (472-83701/765819 /490930); AND Traffic signalization of Waterfront Parkway & Webb Road to serve The Waterfront Addition - 13th Street North and Webb Road. (472-83702/765820/ /490931) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Phillips Southern Electric - \$132,169.51 (Total net bid)

Motion--

--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 24

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Underground Storage Tank Installation.

P B Hoidale Co. Inc. - \$25,300.00 (Group 1/Total Net Bid)

PARK DEPARTMENT/RECREATION DIVISION: Trees - Ornamental and Shade.

Valley Tree Farm - \$1,482.00 (Group 1/Total Net Bid)
\$1,305.00 (Group 2/Total Net Bid)
\$ 652.50 (Group 3/Total Net Bid)
\$ 562.50 (Group 4/Total Net Bid)
\$1,852.50 (Group 5/Total Net Bid)
\$1,631.25 (Group 6/Total Net Bid)
\$1,631.25 (Group 7/Total Net Bid)

Borst Nursery & Garden Center* - \$1,798.50 (Group 8/Total Net Bid)

*Referred to Purchasing Manager for Award

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Traffic Signal Poles.

Reliapole Solutions, Inc. - \$10,475.00 ((Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES: Park Villa Roof Replacement /Repair.

Larry Booze Roofing Inc. - \$29,995.10 (Group 1/Total Net Bid with 2%-30
Billing Terms Discount)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Air Conditioner
Compressors.

Kansas Trane Service Co. - \$24,150.00 (Group 1/Base Bid)
\$12,075.00 (Option 1)

WATER & SEWER DEPARTMENT/Sewer Maintenance Division: Liquid Phosphate.

Carus Chemical Company - \$0.2426 (Group 1/Per pound)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Automobiles, Pickup Trucks, Cargo & Mini.

Don Hattan Chevrolet Inc. - \$ 42,160.00 (Group 1/Base Bid)
00.00 (Group 1/Option 1)
\$ 239.00 (Group 1/Option 2)
\$510,510.00 (Group 2/Base Bid)
\$ 5,160.00 (Group 2/Option 1)
\$ 1,400.00 (Group 2/Option 2)
\$ 16,702.00 (Group 3/Base Bid)
00.00 (Group 3/Option 1)
\$ 270.00 (Group 3/Option 2)
\$ 45.00 (Group 3/Option 3)
00.00 (Group 3/Option 4)
\$ 2,240.00 (Group 3/Option 5)
\$ 14,410.00 (Group 4/Base Bid)
\$ 270.00 (Group 4/Option 1)
00.00 (Group 4/Option 2)
\$ 395.00 (Group 4/Option 3)
\$ 2,270.00 (Group 4/Option 4)
00.00 (Group 4/Option 5)
\$ 15,387.00 (Group 5/Base Bid)
00.00 (Group 5/Option 1)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 25

\$ 200.00	(Group 5/Option 2)
00.00	(Group 5/Options 3, 4 & 5)
\$ 2,408.00	(Group 5/Option 6)
\$ 935.00	(Group 5/Option 7)
\$ 19,028.00	(Group 6/Base Bid)
00.00	(Group 6/Option 1)
\$ 200.00	(Group 6/Option 2)
0.00	(Group 6/Options 3 & 4)
\$ 200.00	(Group 6/Option 5)
\$ 2,577.00	(Group 6/Option 6)
\$ 2,896.00	(Group 6/Option 7)

No bids received for Group 7

Rusty Eck Ford - \$44,463.00 (Group 8/Base Bid)
\$ 115.00 (Group 8/Option 1)
00.00 (Group 8/Options 2 & 3)
\$ 314.00 (Group 8/Option 4)
\$25,985.00 (Group 9/Total Net Bid)

No bids received for Group 10

Rusty Eck Ford - \$65,226.00 (Group 11/Total Net Bid)

Don Hattan Chevrolet Inc. - \$17,870.00 (Group 12/Total Net Bid)

No Bids received for Group 13

Don Hattan Chevrolet Inc. - \$17,600.00 (Group 14/Base Bid)
\$ 60.00 (Group 14/Option 1)
200.00 (Group 14/Option 2)
00.00 (Group 14/Options 3,4 & 5)
\$ 2,350.00 (Group 14/Option 6)
\$ 935.00 (Group 14/Option 7)
\$ 5,454.00 (Group 14/Option 8)

WATER & SEWER DEPARTMENT/Production & Pumping Division: Chemically Rehabilitate Wells
– Equus Beds.

Layne Western Company - \$28,000.00 (Total Net Bid)

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Tricylce Type Street Sweepers.

Key Equipment & Supply Co. - \$228,970.00(Group 1/Base Bid)
<\$42,000.00 Deduct> (Group 1/Option 1)
\$ 2,480.00 (Group 1/Option 5)
\$ 42,450.00 (Group 1/Option 7)

PUBLIC WORKS DEPARTMENT/Storm Water Management: Combination High Pressure Sewer
Cleaner.

J & D Equipment - \$484,072.00 (Group 1/Base Bid)
\$ 2,500.00 (Group 1/Option 1)
<\$77,500.00 Deduct> (Group 1/Option 2)
<\$82,500.00 Deduct< (Group 1/Option 3)

WATER DEPARTMENT/SEWER MAINTENANCE DIVISION: Furnish & Install TV Inspection
System.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 26

CUES - \$49,650.00 (Group 1/Base Bid)
\$ 1,150.00 (Group 1/Option 1)
\$ 275.00 (Group 1/Option 2)
\$ 1,440.00 (Group 1/Option 3)
\$ 4,900.00 (Group 1/Option 5)
00.00 (Group 1/Option 6)
\$15,200.00 (Group 1/Option 7)
\$ 490.00 (Group 1/Option 8)
\$ 636.00 (Group 1/Option 9)
\$ 6,300.00 (Group 1/Option 10)
00.00 (Group 1/Option 11)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Loaders, Loader/Backhoe and Graders.

Wichita Tractor Co. -\$ 72,070.00 (Group 1/Base Bid)
\$ 1,935.00 (Group 1/Option 1)
\$ 4,198.00 (Group 1/Option 2)
\$ 2,034.00 (Group 1/Option 3)

Murphy Tractor & Equipment Co. Inc. -\$44,402.00 (Group 2/Base Bid)
\$ 570.00 (Group 2/Option 2)

White Star Machinery & Supply -\$64,212.00 (Group 3/Base Bid)
\$ 1,104.00 (Group 3/Option 1)
\$ 192.00 (Group 3/Option 2)
\$ 2,290.00 (Group 3/Option 3)
\$ 1,259.00 (Group 3/Option 4)
<\$18,000.00 Deduct< (Group 3/Option 5)
<\$ 52.00 Deduct< (Group 3/Option 6)
\$ 240.00 (Group 3/Option 7)

Wichita Tractor Co. - \$198,262.00 (Group 4/Base Bid)
\$ 2,543.00 (Group 4/Option 1)
<\$16,000.00 Deduct< (Group 4/Option 2)

WATER DEPARTMENT/SEWER MAINTENANCE DIVISION: Retrofit/Refurbish Sewer Jetter.

Sewer Equipment of America \$52,650.00 (Group 1/Base Bid)
\$ 200.00 (Group 1/Option 1)
\$ 300.00 (Group 1/Option 2)
\$ 300.00 (Group 1/Option 3)
\$ 3,000.00 (Group 1/Option 5)
\$ 500.00 (Group 1/Option 6)
\$ 450.00 (Group 1/Option 8)
\$52,650.00 (Group 2/Base Bid)
\$ 200.00 (Group 2/Option 1)
\$ 300.00 (Group 2/Option 2)
\$ 300.00 (Group 2/Option 3)
\$ 3,000.00 (Group 2/Option 5)
\$ 500.00 (Group 2/Option 6)
\$ 450.00 (Group 2/Option 8)
\$56,350.00 (Group 3/Base Bid)
\$ 300.00 (Group 3/Option 1)
\$ 300.00 (Group 3/Option 2)
\$ 1,500.00 (Group 3/Option 3)
\$ 450.00 (Group 3/Option 5)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tractors.

United Rentals Inc. - \$12,131.74 (Group 1/Total Net Bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 28

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Central Park Drainage Improvements.

Jayhawk Contractors - \$14,741.75 (Group 2/Total Net Bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Exterior Façade Improvements.

S & A Construction - \$60,988.00 (Group 1/Total Net Bid)

Arambula Construction Co. - \$58,150.00 (Group 2/Total Net Bid)

PUBLIC WORKS DEPARTMENT/LANDFILL DIVISION: Mechanical Wood/Stump Shear.

Vegetation Management Supply Inc. – \$26,569.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Furnish & Install Sump Pump System.

Cooks Heating & AC Inc. - \$22,224.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: 8,000# G.V.W.R. Utility Trailer.

Trailer Town - \$7,155.00 (Group 1/Total Net Bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISION: Film - Polaroid, Kodak, Mitsubishi.

Dixie Sales Company USA Inc. - \$24,788.80* (Group 1/Total Net Bid)

Valley Litho Supply - \$4,694.90* (Group 2/Total Net Bid)

Se-Me Professional Photo Dist.* - \$5,210.00 (Group 3/Total Net Bid)

PARK DEPARTMENT/MAINTENANCE DIVISION: Fine Crushed Red Shale.

H & K Hauling - \$16,162.50 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Replace Rooftop Furnace & A/C Unit.

McCune Heating & Cooling Inc. - \$8,744.41 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Air Compressor.

Fishers Equipment Service - \$5,862.00 ((Group 1/Total Net Bid/Alternate A)

AIRPORT DEPARTMENT/AIR FIELD DIVISION: Solid Runway Deicer.

Cryotech Deicing - \$20,950.00 (Group 1/Base Bid)

\$23,586.60 (Group 1/Option 1)

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Electro Shades for City Hall Atrium.

Schammerhorn Inc. - \$11,760.00 (Group 1/Total Net Bid)

FINANCE DEPARTMENT-IT/IS DIVISION: TWO (2) DMZ Servers/RQ302355.

Hewlett Packard/Global Government/Education* - \$16,302.00 (WSCA Contract #92-00151)

*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 29

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: One (1) Parkson Spiral, Single 280 Dia x 320 Pitch, 374" Coupling Disc.

Fluid Equipment Co Inc.* - \$10,501.31

*Purchase Utilizing Sole Source of Supply – Ordinance No. 35-856 - Section 2. (b).

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Repair Parts.

Fluid Equipment Co. Inc.* - \$11,635.00

*Purchase Utilizing Sole Source of Supply – Ordinance No. 35-856 - Section 2. (b).

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: SIX (6) 30 Gallon and Six (6) 15 Gallon Containers of Foaming Agent for Razeroooter II Diquat Dibromide.

Duke's Sales & Service Inc.* - \$27,000.00

*Purchase Utilizing Sole Source of Supply – Ordinance No. 35-856 - Section 2. (b).

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Two (2) Rotary Distributor Bearing Assembly #47589A for Dorr Oliver/EIMCO Equipment.

JCI Industries Inc.* - \$19,575.76

*Purchase Utilizing Sole Source of Supply – Ordinance No. 35-856 Section 2. (b).

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES.

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Stan W. Shaver	Tex Consolver Golf Course*	1931 South Tyler Road
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<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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James Steindler	Gotta Stop	5600 West Macarthur Road
Van T. Ho	Lee's Convenience Store	2828 East 21st Street North
Lethang T. Le	Broadway Supermarket	1336 North Broadway

<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Keith V. Dang	C & C Store	1131 East 47th Street
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<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Teresa RuvalcabaSirena's Inc.*	1935 North Broadway Suite 105	
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 6 to 0, (Gray absent).

PRELIMINARY EST.

PRELIMINARY ESTIMATES.

a) Lincoln and McLean Intersection - along McLean from 184 meters south of Lincoln to 180 meters north of Lincoln. (87N-0225-01/472-83799/706863/203329) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$850,000.00

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 30

b) K-96 Bikepath from Grove Park to Oliver - south of K-96 from west of Hillside to Oliver. (87 TE-0115-01/472-82850/785972/399129) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$466,000.00

c) Merton Sanitary Sewer Relief Line - along Merton Street, west from Sheridan. (468-83698/620387/ 663508) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$75,000.00

d) 2004 Utility Cut Repair of Streets, Driveways and Sidewalks - north of 71st Street South, east of 167th Street West. (472-83876/132035/620369/NA/663490) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$1,718,000.00

e) Lateral 359 Four Mile Creek Sewer to serve Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. (468-83724/744020/480708) Does not affect existing traffic. (District II) - \$37,400.00

f) Kellogg (US 54) and Rock Road Interchange Part 4: Grading, Underground Utilities and Temporary Seeding - along North Frontage Road between Rock Road and Gypsum Creek. (472-83853/702328/ 401344) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,609,878.00

Motion--
-- carried

Mayans moved that the preliminary estimates be approved and filed. Motion carried 6 to 0, (Gray absent).

GREENBRIAR CIR.

ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS ON ROCK ROAD NORTH OF GREENBRIAR CIRCLE.

Agenda Report No. 03-1319

In July 1998, the City Council approved a resolution authorizing the improvement of Rock Road, 22nd St. N. to 29th St. N. as part of the 1998-1999 Traffic Corridor Improvement Program. The acquisition of a triangular "corner clip" of land from 2801 N. Rock Road will allow the construction of a deceleration lane into Greenbriar Circle. A corresponding Temporary Easement will allow the replacement of sidewalk and driveways with the project.

The Permanent and Temporary Easements total \$3,908.60. This amount was offered to and accepted by the owner.

Funds are available in the project account for this expense. Any remediation costs will be borne as a cost of the project.

Motion--
--carried

Mayans moved that the Permanent and Temporary Easements be approved and the necessary signatures be authorized. Motion passed 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 31

DEEDS/EASEMENTS

DEEDS AND EASEMENTS.

- a) Acquisition of permanent and temporary easements on Rock Road north of Greenbriar Circle. (District II)
- b) Easement dated November 6, 2003 from Nance Properties, L.L.C., for tracts of land located in Lots 1 and 2, Block 2, Southwest Industrial Addition to Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- c) Easement dated November 11, 2003 from JC Wichita, L.L.C. and Restaurant Webb, L.L.C., for a tract of land located in Lot 6, Block 3, Mediterranean Plaza, an Addition to Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- d) Drainage Easement dated November 12, 2003 from Nies Builder, Inc., for a tract of land located in Lot 18, Block 2, Equestrian Estates Addition to Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- e) Sanitary Sewer Easement dated December 1, 2003 from Gary F. & Lorena Tomey, for a tract of land located in the north half of the northeast quarter of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Lat270, M5, SS #22, OCA #744004). No cost to City.
- f) Sanitary Sewer Easement dated November 26, 2003 from Carlos L. and Mary Lynn Blacklock for a tract of land located in Lot 2, Block 6, Miles Hidden Lakes Estates Addition to Wichita, Sedgwick County, Kansas (Lat36, M1, CIS, OCA #744005). No cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 6 to 0, (Gray absent).

COST STATEMENTS

STATEMENTS OF COST:

- a) Improving 21st Street Right Turn Lane to serve Messiah Baptist Church 4th Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$101,547.78 (plus idle fund interest - \$1,454.22 plus temporary note interest - \$0). Financing to be issued at this time - \$103,002.00. (765746/472-83558/490-857).
- b) Improving Rutgers Court, Greenspoint to serve Evergreen Addition (north of 21st Street North, west of Maize Road). Total Cost - \$546,387.80 (plus idle fund interest - \$5,382.56, plus temporary note interest - \$2,882.64). Financing to be issued at this time - \$554,653.00. (765756/472-83256/490-867).
- c) Improving Golden Hills, Milstead, Grant, Grant Court, Golden Hills Court and sidewalk to serve Flat Creek Addition (north of Pawnee, east of 119th Street West). Total Cost - \$453,328.72 (plus idle fund interest - \$3,668.41, plus temporary note interest - \$5176.87). Financing to be issued at this time - \$462,174.00. (765743/472-83384/490-854).
- d) Improving Lakeview Drive, Cactus Court to serve Springdale East 2nd Addition (south of Kellogg, east of 143rd Street East). Total Cost - \$183,312.20 (plus idle fund interest - \$1,273.48, plus temporary note interest - \$1,441.32). Financing to be issued at this time - \$186,027.00. (765761/472-83482/490-872).
- e) Improving Decel Lane on 21st north of the east 250 feet of Lot 1, Block 1 to serve Remington Place 2nd Addition (south of 21st Street North, east of Webb). Total Cost - \$27,535 (plus idle fund interest - \$446.00, plus temporary note interest - \$0). Financing to be issued at this time - \$27,981.00. (765786/472-83679/490-897).
- f) Improving 44th Street South to serve Gray's 5th Addition (north of 47th Street South, east of Hoover). Total Cost - \$254,123.87 (plus idle fund interest - \$3,145.27, plus temporary note interest - \$960.86). Financing to be issued at this time - \$258,230.00. (765758/472-83552/490-869).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 32

- g) Improving 35th Street South to serve West Robbins Addition and South High School Addition (east of Seneca, south of 31st Street South). Total Cost - \$29,678.94 (plus idle fund interest - \$418.06 plus temporary note interest - \$0). Financing to be issued at this time - \$30,097.00. (765762/472-83661/490-873).
- h) Improving Traffic Signal at the Intersection of Webb and Wilson Estates Parkway to serve Wilson Estates Medical Park (south of 21st Street North, west of Webb). Total Cost - \$108,012.68 (plus idle fund interest - \$1,346.56, plus temporary note interest - \$103.76). Financing to be issued at this time - \$109,463.00. (765767/472-83677/490-878).
- i) Improving Ironhorse, Ironhorse Circle, Hillcrest, Hillcrest Circle, and Oxford to serve Ironhorse at Oxford Addition (south of 29th Street North, west of Woodlawn). Total Cost - \$273,152.88 (plus idle fund interest - \$3,487.78 plus temporary note interest - \$336.34). Financing to be issued at this time - \$276,977.00 (765789/472-83707/490-900).
- j) Improving Meadow Park, Pepper Ridge, Meadow Park Court, Pepper Ridge Court and sidewalk to serve Fossil Rim Estates Addition (east of Tyler, south of 29th Street North). Total Cost - \$313,583.13 (plus idle fund interest - \$3,742.41, plus temporary note interest - \$480.46). Financing to be issued at this time - \$317,806.00. (765749/472-83542/490-860).
- k) Improving Linberg and Bronco to serve Remington Place 2nd Addition (south of 21st Street North, east of Webb). Total Cost - \$119,407.79 (plus idle fund interest - \$1,831.21, plus temporary note interest - \$0). Financing to be issued at this time - \$121,239.00. (765785/472-83678/490-896).
- l) Improving Falcon, Falcon Court and sidewalk to serve Eagle's Landing at North Oliver 2nd Addition (south of 45th Street North, west of Oliver). Total Cost - \$221,694.51 (plus idle fund interest - \$2,441.63, plus temporary note interest - \$960.86). Financing to be issued at this time - \$225,097.00. (765755/472-83466/490-866).
- m) Improving Hoover, 3rd Street North to St. Louis to serve Fruitvale Park and Unplatted Tracts (south of Central, east of I-235). Total Cost - \$103,235.21 (plus idle fund interest - \$1,185.33, plus temporary note interest - \$480.46). Financing to be issued at this time - \$104,901.00. (765737/472-83530/490-848).
- n) Improving Sidewalk at the Northeast Corner of Douglas and Wabash to serve Mathewson's Addition (Northeast Corner of Douglas and Wabash). Total Cost - \$8,482.20 (plus idle fund interest - \$164.80, plus temporary note interest - \$0). Financing to be issued at this time - \$8,647.00. (765751/472-83616/490-862).
- o) Improving 100 S. Main. (Façade Improvement Program) Total Cost - \$42,867.76 (plus idle fund interest - \$1,142.24, plus temporary note interest - \$0). Financing to be issued at this time - \$44,010.00. (766002/472-83622/491-003).
- p) Improving 800 E. Douglas (Façade Improvement Program). Total Cost - \$73,925.97 (plus idle fund interest - \$1,271.03, plus temporary note interest - \$0). Financing to be issued at this time - \$75,197.00. (766000/472-83606/491-001).
- q) Improving 802 E. Douglas (Façade Improvement Program). Total Cost - \$26,134.09 (plus idle fund interest - \$452.91, plus temporary note interest - \$0). Financing to be issued at this time - \$26,587.00. (766001/472-83607/491-002).
- r) Improving Lotus, Lydia Circle, Lydia, Lotus Court and sidewalk to serve Shelly's Orchard (east of Maize, north of Pawnee). Total Cost - \$355,350.99 (plus idle fund interest - \$5,468.25, plus temporary note interest - \$9,402.76). Financing to be issued at this time - \$370,222.00. (765678/472-83326/490-789).
- s) Improving Spyglass, Spyglass Court, Blade, Millrun, Millrun Court to serve Sawmill Creek Addition (north of 45th Street, east of Rock Road). Total Cost - \$472,526.52 (plus idle fund interest -

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 33

\$3,600.38, plus temporary note interest - \$3,363.10). Financing to be issued at this time - \$479,490.00. (765757/472-83624/490-868).

t) Improving Left Turn Lane on Webb Road to serve Wilson Lakes Medical Park (south of 21st, west of Webb). Total Cost - \$218,903.81 (plus idle fund interest - \$2,411.33, plus temporary note interest - \$960.86). Financing to be issued at this time - \$222,276.00. (765766/472-83676/490-877).

u) Improving 127th Street from 1/2 mile south of Harry to Harry to serve Equestrian Estates (south of Harry, east of 127th Street East). Total Cost - \$275,558.64 (plus idle fund interest - \$2,069.99, plus temporary note interest - \$3,706.37). Financing to be issued at this time - \$281,335.00. (765708/472-83425/490819).

v) Improving Minnesota Court, Minnesota Circle, 26th Street to serve Power CDC 2nd Addition (north of 25th Street North, west of Grove) Total Cost - \$113,897.37 (plus idle fund interest - \$1,397.43, plus temporary note interest - \$240.20). Financing to be issued at this time - \$115,535.00. (765771/472-83675/490882).

w) Improving Lake Ridge, Lake Ridge Courts and sidewalk to serve Forest Lakes West Addition, Phase 4 (north of 29th Street North, east of Tyler). Total Cost - \$101,224.76 (plus idle fund interest - \$1,759.24, plus temporary note interest - \$0). Financing to be issued at this time - \$102,984.00. (765787/472-82873/490-898).

x) Improving Left Turn Bay on Tyler Road to serve Tyler's Landing Addition (south of 37th Street North, along Tyler Road). Total Cost - \$36,926.13 (plus idle fund interest - \$516.87, plus temporary note interest - \$0). Financing to be issued at this time - \$37,443.00. (765792/472-83693/490-903).

y) Improving Tyler Road northbound left lane to serve Maize Central Schools Addition (south of 37th Street North, along Tyler Road). Total Cost - \$46,969.81 (plus idle fund interest - \$716.19, plus temporary note interest - \$0). Financing to be issued at this time - \$47,686.00. (765788/472-83713/490-899).

z) Improving White Tail, Tipperary, White Tail Court, Tipperary Circle and sidewalk to serve Balthrop 4th Addition (north of Central, west of K-96). Total Cost - \$262,716.01 (plus idle fund interest - \$2,091.41, plus temporary note interest - \$1,681.58). Financing to be issued at this time - \$266,489.00. (765759/472-83469/490870).

aa) Improving Kessler from Dora to May Street to serve West Warehouse Addition (south of Harry, east of West Street). Total Cost - \$121,202.89 (plus idle fund interest - \$1,380.65, plus temporary note interest - \$480.46). Financing to be issued at this time - \$123,064.00. (765736/472-83529/490-847).

bb) Improving Eagles Landing, Willow Point to serve Eagles Landing at North Oliver 2nd Addition (south of 45th Street North, west of Oliver). Total Cost - \$406,218.97 (plus idle fund interest - \$5,741.83, plus temporary note interest - \$240.20). Financing to be issued at this time - \$412,201.00. (765781/472-83465/490-892).

cc) Improving Lateral 320, Four Mile Creek Sewer to serve Brentwood South Addition (north of Pawnee, east of Webb). Total Cost - \$103,387.24 (plus idle fund interest - \$1,551.76, plus temporary note interest - \$0). Financing to be issued at this time - \$104,939.00. (743981/468-83354/480-669).

dd) Improving Lateral 4, Main 14, Four Mile Creek Sewer to serve Reed's Cove Addition, Phase 4 (south of 21st Street North, east of 127th Street East). Total Cost - \$146,572.44 (plus idle fund interest - \$2,113.56, plus temporary note interest - \$0). Financing to be issued at this time - \$148,686.00. (743985/468-83621/480-673).

ee) Improving Lateral 6, Main 8, Southwest Interceptor Sewer to serve Savannah Place (south of Maple, west of Tyler). Total Cost - \$7,069.84 (plus idle fund interest - \$90.16, plus temporary note interest - \$0). Financing to be issued at this time - \$7,160.00. (744002/468-83229/480-690).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 34

ff) Improving Lateral 342, Four Mile Creek Sewer to serve Whispering Lakes Estates (south of Harry, east of 143rd Street East). Total Cost - \$291,047.08 (plus idle fund interest - \$3,787.46, plus temporary note interest - \$480.46). Financing to be issued at this time - \$295,315.00. (743960/468-83538/480-648).

gg) Improving Lateral 35, Main 24, War Industries Sewer to serve Remington Place Addition (south of 21st Street North, east of Webb Road). Total Cost - \$109,131.00 (plus idle fund interest - \$667.14, plus temporary note interest - \$960.86). Financing to be issued at this time - \$110,759.00. (743958/468-83247/480-646).

hh) Improving Lateral 345, Four Mile Creek Sewer to serve Woodland Lakes 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$310,688.46 (plus idle fund interest - \$4,405.54, plus temporary note interest - \$0). Financing to be issued at this time - \$315,094.00. (743986/468-83588/480-674).

ii) Improving Lateral 488, Southwest Interceptor Sewer to serve Unplatted Tract (north of Central, west of 119th Street West). Total Cost - \$17,984.29 (plus idle fund interest - \$242.71, plus temporary note interest - \$0). Financing to be issued at this time - \$18,227.00. (743957/468-83504/480-645).

jj) Improving Lateral 40, Main 24, War Industries Sewer to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$159,135.60 (plus idle fund interest - \$1,055.28, plus temporary note interest - \$1,201.12). Financing to be issued at this time - \$161,392.00. (743974/468-83553/480-622).

kk) Improving Lateral 40, District T, Sanitary Sewer #12 to serve Power CDC 2nd Addition (north of 25th Street North, west of Grove). Total Cost - \$69,478.19 (plus idle fund interest - \$326.19, plus temporary note interest - \$672.62). Financing to be issued at this time - \$70,477.00. (743970/468-83572/480-658).

ll) Improving Lateral 41, Main 24, War Industries Sewer to serve Remington Place 2nd Addition (south of 21st Street North, east of Webb). Total Cost - \$42,067.70 (plus idle fund interest - \$202.40, plus temporary note interest - \$345.90). Financing to be issued at this time - \$42,616.00. (743978/468-83554/480-666).

mm) Improving Lateral 339, Four Mile Creek Sewer to serve The Executive at White Tail Addition (south of 13th Street North, east of K-96). Total Cost - \$22,648.41 (plus idle fund interest - \$108.81, plus temporary note interest - \$201.78). Financing to be issued at this time - \$22,959.00. (743973/468-83523/480-661).

nn) Improving Lateral 32, Cowskin Interceptor Sewer to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$312,833.67 (plus idle fund interest - \$1,911.09 plus temporary note interest - \$2,402.24). Financing to be issued at this time - \$317,147.00. (743965/468-83548/480-653).

oo) Improving Main 6, Part A, Northwest Interceptor Sewer to serve an unplatted tracts (north of 29th Street North, east of Maize Road). Total Cost - \$8,220.00 (plus idle fund interest - \$76.00 plus temporary note interest - \$0). Financing to be issued at this time - \$8,296.00. (743992/468-83632/4480-680)

pp) Improving Main 6, Part B, Northwest Interceptor Sewer to serve an unplatted tract (south of 29th Street North, west of Maize Road). Total Cost - \$8,320 (plus idle fund interest - \$77.00 plus temporary note interest - \$0). Financing to be issued at this time - \$8,397.00. (743991/468-83618/480-679).

qq) Improving Main 6, Part D, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler Road) Total Cost - \$198,000.00 (plus idle fund interest - \$1,822.00 plus temporary note interest - \$0). Financing to be issued at this time - \$199,822.00. (744015/468-83680/480-703).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 35

rr) Improving Main 6, Part E, Northwest Interceptor Sewer to serve an unplatted tract (north of 29th Street North, east of Maize Road). Total Cost - \$7,550 (plus idle fund interest - \$69.00 plus temporary note interest - \$0). Financing to be issued at this time - \$7,619.00. (743993/468-83633/480-681).

ss) Improving Main 6, Part F, Northwest Interceptor Sewer to serve Evergreen Addition (south of 29th Street North, west of Maize Road). Total Cost - \$28,103.00 (plus idle fund interest - \$259.00 plus temporary note interest - \$0). Financing to be issued at this time - \$28,362.00. (744016/468-83705/480-704).

tt) Improving Lateral 490, Southwest Interceptor Sewer to serve Tyler's Landing Addition (south of 37th Street North, east of Tyler) Total Cost - \$335,437.38 (plus idle fund interest - \$4,451.96 plus temporary note interest - \$720.66). Financing to be issued at this time - \$340,610.00. (743971/468-83577/480-659).

uu) Improving Lateral 157, War Industries Sewer to serve Shadow Ridge Addition, Phase 1, (north of 31st Street South, east of Hillside). Total Cost - \$40,222.13 (plus idle fund interest - \$719.87 plus temporary note interest - \$0). Financing to be issued at this time - \$40,942.00. (743975/468-83556/480-663).

vv) Improving Lateral 34, Cowskin Interceptor Sewer to serve Shadow Woods Addition, Phase 1 (west of 135th Street West, north of Maple). Total Cost - \$246,219.97 (plus idle fund interest - \$3,430.57 plus temporary note interest - \$480.46). Financing to be issued at this time - \$250,131.00. (743982/468-83595/480-670).

ww) Improving Lateral 329, Four Mile Creek Sewer to serve Samra 2nd Addition (north of Central, west of Greenwich). Total Cost - \$85,098.90 (plus idle fund interest - \$599.39, plus temporary note interest - \$1,189.71). Financing to be issued at this time - \$86,888.00. (743911/468-83395/480-599).

xx) Improving Lateral 4, Main 5, Northwest Interceptor Sewer to serve Copper Gate Estates Addition, Phase 1 (south of 13th Street North, west of 135th Street West). Total Cost - \$214,197.99 (plus idle fund interest - \$2,677.55 plus temporary note interest - \$480.46). Financing to be issued at this time - \$217,356.00. (743967/468-83532/480-655).

yy) Improving Lateral 1, Main 5, Northwest Interceptor Sewer to serve Liberty Park & Heritage Baptist Church Addition, Phase 1, (north and south of 13th Street North, east of 135th Street West). Total Cost - \$207,487.36 (plus idle fund interest - \$2,308.18, plus temporary note interest - \$480.46). Financing to be issued at this time - \$210,276.00. (743969/468-83528/480-657).

zz) Improving Storm Water Sewer #591 to serve Reed's Cove Addition and Reed's Commercial Addition (south of 21st Street North, east of 127th Street East) Total Cost - \$104,230.47 (plus idle fund interest - \$1,390.53 plus temporary note interest - \$0). Financing to be issued at this time - \$105,621.00. (751338/468-83656/485-229).

aaa) Improving Lateral 2, Main 13, Sanitary Sewer #23 to serve unplatted tracts (north of 45th Street North, east of Hydraulic). Total Cost - \$3,052.91 (plus idle fund interest - \$43.09 plus temporary note interest - \$0). Financing to be issued at this time - \$3,096.00. (743942/468-83459/480-630).

bbb) Improving Storm Water Drain #200 to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$165,567.94 (plus idle fund interest - \$2,339.06 plus temporary note interest - \$0). Financing to be issued at this time - \$167,907.00. (751333/468-83597/485-224).

ccc) Improving Main 3, Part A, Sanitary Sewer #23 to serve unplatted tracts (west of Hillside, south of 53rd Street North). Total Cost - \$65,000 (plus idle fund interest - \$598.00 plus temporary note interest - \$0). Financing to be issued at this time - \$65,598.00. (743928/468-83440/480-616).

ddd) Improving Main 13, Part B, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). Total Cost - \$200,700.00 (plus idle fund interest - \$1,846.00 plus

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 36

temporary note interest - \$0). Financing to be issued at this time - \$202,546.00. (743929/468-83262/480-617).

eee) Improving Main 13, Part C, Sanitary Sewer #23 to serve unplatted tract (east of Hydraulic, north of 37th Street North). Total Cost - \$66,800.00 (plus idle fund interest - \$615.00 plus temporary note interest - \$0). Financing to be issued at this time - \$67,415.00. (743930/468-83454/480-618).

fff) Improving Main 13, Part D, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). Total Cost - \$9,700.00 (plus idle fund interest - \$89.00 plus temporary note interest - \$0). Financing to be issued at this time - \$9,789.00. (743931/468-83455/480-619).

ggg) Improving Main 13, Part E, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). Total Cost - \$124,000.00 (plus idle fund interest - \$1,141.00 plus temporary note interest - \$0). Financing to be issued at this time - \$125,141.00. (743932/468-83457/480-620).

hhh) Improving Main 13, Part F, Sanitary Sewer #23 to serve unplatted tracts (east of Hydraulic, north of 37th Street North). Total Cost - \$700.00 (plus idle fund interest - \$6.00 plus temporary note interest - \$0). Financing to be issued at this time - \$706.00. (743933/468-83458/480-621).

iii) Improving Lateral 142, Main 4, Sanitary Sewer #23 to serve Jones Park (south of 37th Street North, west of Broadway). Total Cost - \$14,412.85 (plus idle fund interest - \$207.15 plus temporary note interest \$0). Financing to be issued at this time - \$14,620.00. (743983/468-83603/480-671).

jjj) Improving Lateral 328, Four Mile Creek Sewer to serve Balthrop 4th Addition (north of Central, west of K-96). Total Cost - \$81,245.97 (plus idle fund interest - \$443.51 plus temporary note interest - \$749.52). Financing to be issued at this time - \$82,439.00. (743956/468-83391/480-644).

kkk) Improving Lateral 73, Main 5, Sanitary Sewer #23 to serve Iron Horse at Oxford (south of 29th Street North, west of Woodlawn). Total Cost - \$137,510.10 (plus idle fund interest - \$1,592.44 plus temporary note interest - \$480.46). Financing to be issued at this time - \$139,583.00. (743980/468-83575/480-668).

lll) Improving Lateral 350, Four Mile Creek Sewer to serve Clear Creek Addition (south of Kellogg, west of 143rd Street East). Total Cost - \$108,589.05 (plus idle fund interest - \$1,465.95 plus temporary note interest - \$0). Financing to be issued at this time - \$110,055.00. (743988/468-83612/480-676).

mmm) Improving Lateral 3, Main 13, Sanitary Sewer #23 to serve Wichita Heights High School (south of 53rd Street North, west of Hillside). Total Cost - \$207,854.12 (plus idle fund interest - \$2,634.42 plus temporary note interest - \$480.46). Financing to be issued at this time - \$210,969.00. (743964/468-83535/480-652).

nnn) Improving Lateral 325, Four Mile Creek Sewer to serve Pine Meadow Addition (south of 13th Street North, east of Greenwich). Total Cost - \$130,195.32 (plus idle fund interest - \$1,835.68 plus temporary note interest - \$0). Financing to be issued at this time - \$132,031.00. (743989/468-83376/480-677).

ooo) Improving Storm Water Drain #202 to serve Thunderbird Office Park (south of Maple, west of 119th Street West). Total Cost - \$181,478.67 (plus idle fund interest - \$2,638.33 plus temporary note interest - \$0). Financing to be issued at this time - \$184,117.00. (751335/468-83607/485-226).

ppp) Improving Storm Water Drain #192 to serve Tara Falls Addition (south of Harry, east of Greenwich). Total Cost - \$239,265.45 (plus idle fund interest - \$3,444.55 plus temporary note interest - \$0). Financing to be issued at this time - \$242,710.00. (751328/468-83527/485-219).

qqq) Improving Storm Water Drain #197 to serve Wilson Estates Medical Park (south of 21st Street North, west of Webb Road). Total Cost - \$123,876.34 (plus idle fund interest - \$554.44 plus temporary

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 37

note interest - \$1,124.22). Financing to be issued at this time - \$125,555.00. (751323/468-83564/485-214).

rrr) Improving Storm Water Drain #195 to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$379,158.78 (plus idle fund interest - \$4,325.10 plus temporary note interest - \$1,201.12). Financing to be issued at this time - \$384,685.00. (751324/468-83550/485-215).

sss) Improving Storm Water Drain #198 to serve Tyler's Landing Addition (south of 37th Street North, east of Tyler) Total Cost - \$452,671.14 (plus idle fund interest - \$6,202.86 plus temporary note interest - \$0). Financing to be issued at this time - \$458,874.00. (751330/468-83579/485-221).

ttt) Improving Storm Water Drain #132 to serve Forest Lakes West Addition (north of 29th Street North, west of Ridge Road) Total Cost - \$154,007.43 (plus idle fund interest - \$747.08 plus temporary note interest - \$2,099.49). Financing to be issued at this time - \$156,854.00. (751316/468-82771/485-207).

uuu) Improving Storm Water Sewer #581 to serve Copper Gates Estates (south of 13th Street North, west of 135th Street West). Total Cost - \$107,130.42 (plus idle fund interest - \$1,226.42 plus temporary note interest - \$192.16). Financing to be issued at this time - \$108,549.00. (751327/468-83559/485-218).

vvv) Improving Storm Water Sewer #577 to serve Liberty Park Addition (south of 13th Street North, east of 135th Street West). Total Cost - \$101,078.61 (plus idle fund interest - \$1,243.31 plus temporary note interest - \$96.08). Financing to be issued at this time - \$102,418.00. (751326/468-83544/485-217).

www) Improving Storm Water Sewer #585 to serve Reed's Cove, Reed's Cove 2nd and Reed's Cove Commercial Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$252,236.81 (plus idle fund interest - \$3,259.73 plus temporary note interest - \$480.46). Financing to be issued at this time - \$255,977.00. (751332/468-83569/485-223).

xxx) Improving Water Distribution System to serve Mid-Continent Industrial Park I and Mid-Continent Industrial Park II (south of K-42 Highway, east of Maize Road) Total Cost - \$230,000.00 (plus idle fund interest - \$1,304.72 plus temporary note interest - \$2,450.28). Financing to be issued at this time - \$233,755.00. (735059/448-89673/470-729).

yyy) Improving Water Distribution System to serve Skyway Industrial Park, Dugan Industrial 2nd and 3rd Addition (along Maize Road, from Pawnee to K-42). Total Cost - \$320,916.69 (plus idle fund interest - \$2,293.85 plus temporary note interest - \$3,048.46). Financing to be issued at this time - \$326,259.00 (735058/448-89292/470-728).

zzz) Improving Water Distribution System to serve Tyler's Landing Addition, Phase 2, (south of 37th Street North, east of Tyler) Total Cost - \$49,109.38 (plus idle fund interest - \$732.62 plus temporary note interest - \$0). Financing to be issued at this time - \$49,833.00. (735122/448-89772/470-792).

aaaa) Improving Water Distribution System along Nevada, between 16th and 17th Streets North to serve Lots 14-23 of West Lynn Addition (north of 13th Street, west of West Street). Total Cost - \$30,994.07 (plus idle fund interest - \$554.93 plus temporary note interest - \$0). Financing to be issued at this time - \$31,549.00. (735097/448-89754/470-767).

bbbb) Improving Water Distribution System to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside). Total Cost - \$97,492.25 (plus idle fund interest - \$1,260.67 plus temporary note interest - \$96.08). Financing to be issued at this time - \$98,849.00. (735114/448-89767/470-784).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 38

cccc) Improving Water Distribution System to serve Tyler's Landing Addition, Phase 1 (south of 37th Street North, east of Tyler). Total Cost - \$73,061.53 (plus idle fund interest - \$950.35 plus temporary note interest - \$144.12). Financing to be issued at this time - \$74,156.00. (735108/448-89771/470-778).

dddd) Improving Water Distribution System to serve Whispering Lakes Estates Addition (south of Harry, west of 159th Street East). Total Cost - \$46,737.64 (plus idle fund interest - \$552.36 plus temporary note interest - \$0). Financing to be issued at this time - \$47,290.00. (735098/448-89758/470-768).

eeee) Improving Water Supply Line to serve White Tail Addition (south of 13th Street North, east of K-96). Total Cost - \$115,770.12 (plus idle fund interest - \$499.88 plus temporary note interest - \$1,057.00). Financing to be issued at this time - \$117,327.00. (735092/448-88759/470-762).

ffff) Improving Water Distribution System to serve Liberty Park, Copper Gate Estates, Copper Gate Addition, Heritage Baptist Church Addition (north and south of 13th Street North, east and west of 135th Street West). Total Cost - \$202,133.71 (plus idle fund interest - \$2,854.83 plus temporary note interest - \$480.46). Financing to be issued at this time - \$205,469.00. (735106/448-89745/470-776).

gggg) Improving Water Distribution System to serve Remington Place Addition (east of Webb Road, south of 21st Street North). Total Cost - \$1214,601.68 (plus idle fund interest - \$721.28 plus temporary note interest - \$1,105.04). Financing to be issued at this time - \$126,428.00. (735095/448-89569/470-765).

hhhh) Improving Water Distribution System to serve Remington Place Addition (east of Webb Road, south of 21st Street North). Total Cost - \$34,533.59 (plus idle fund interest - \$162.31 plus temporary note interest - \$317.10). Financing to be issued at this time - \$35,013.00. (735096/448-89570/470-766).

iiii) Improving Water Distribution System to serve Balthrop 4th Addition (north of Central, west of K-96) Total Cost - \$46,453.81 (plus idle fund interest - \$281.77 plus temporary note interest - \$432.42). Financing to be issued at this time - \$47,168.00. (735091/448-89655/470-761).

jjjj) Improving Water Distribution System to serve Brentwood South Addition (east of Webb Road, north of Pawnee). Total Cost - \$50,922.12 (plus idle fund interest - \$717.88 plus temporary note interest - \$0). Financing to be issued at this time - \$51,640.00. (735121/448-89636/470-791).

kkkk) Improving Water Distribution System to serve Shelly's Orchard Addition (north of Pawnee, east of Maize). Total Cost - \$38,650.05 (plus idle fund interest - \$496.95 plus temporary note interest - \$0). Financing to be issued at this time - \$39,147.00. (735132/448-89840/470-802).

llll) Improving Water Distribution System to serve Lester Turley Addition (west of Meridian, south of 19th Street North). Total Cost - \$2,220.80 (plus idle fund interest - \$28.20 plus temporary note interest - \$0). Financing to be issued at this time - \$2,249.00. (735135/448-89844/470-805).

mmmm)Improving Water Distribution System to serve Eagles Landing at North Oliver 2nd Addition, Phase 2 (South of 45th Street North, west of Oliver) Total Cost - \$49,414.66 (plus idle fund interest - \$186.88 plus temporary note interest - \$480.46). Financing to be issued at this time - \$50,082.00. (735113/448-89650/470-783).

nnnn) Improving Water Distribution System to serve R. A Morris Tracts (north of Central, east of Hoover). Total Cost - \$6,072.96 (plus idle fund interest - \$82.04 plus temporary note interest - \$0). Financing to be issued at this time - \$6,155.00 (735115/448-89790/470-785).

oooo) Improving Water Distribution System to serve Ridge Port Addition and Ridge Port 3rd Addition (north of 29th Street North, east of Ridge Road). Total Cost - \$56,150.45 (plus idle fund interest - \$793.55 plus temporary note interest - \$0). Financing to be issued at this time - \$56,944.00. (735130/448-89825/470-800).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 39

pppp) Improving Water Distribution System to serve Woodland Lakes Estates 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$102,205.84 (plus idle fund interest - \$1,458.16 plus temporary note interest - \$0). Financing to be issued at this time - \$103,664.00. (735128/448-89785/470-798).

qqqq) Improving Water Distribution System to serve Smithmoor 10th Addition (south of Harry, west of Greenwich) Total Cost - \$47,091.03 (plus idle fund interest - \$663.97 plus temporary note interest - \$0). Financing to be issued at this time - \$47,755.00. (735124/448-89667/470-794).

rrrr) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$23,576.93 (plus idle fund interest - \$338.07 plus temporary note interest - \$0). Financing to be issued at this time - \$23,915.00 (735126/448-89820/470-796).

ssss) Improving Water Distribution System to serve Remington Place 2nd Addition (south of 21st Street North, east of Webb Road). Total Cost - \$19,625.52 (plus idle fund interest - \$100.36 plus temporary note interest - \$144.12). Financing to be issued at this time - \$19,870.00. (735118/448-89763/470-788).

tttt) Improving Water Distribution System to serve Regency Park Addition (north of K-96, west of Greenwich). Total Cost - \$27,147.79 (plus idle fund interest - \$372.21 plus temporary note interest - \$0). Financing to be issued at this time - \$27,520.00. (735136/448-89846/470-806).

uuuu) Improving Water Distribution System to serve Tara Falls Addition (south of Harry, west of 127th Street East). Total Cost - \$58,874.29 (plus idle fund interest - \$261.59 plus temporary note interest - \$538.12). Financing to be issued at this time - \$59,674.00. (735105/448-89738/470-775).

vvvv) Improving Water Distribution System to serve Sawmill Creek Addition (north of 45th Street North, east of Rock Road) Total Cost - \$55,381.23 (plus idle fund interest - \$391.89 plus temporary note interest - \$518.88). Financing to be issued at this time - \$56,292.00. (735083/448-89712/470-753).

wwwv) Improving Water Distribution System to serve The Executive at White Tail Addition (south of 13th Street North, east of K-96) Total Cost - \$33,962.69 (plus idle fund interest - \$597.31 plus temporary note interest - \$0). Financing to be issued at this time - \$34,560.00. (735109/448-89726/470-779).

xxxx) Improving Water Distribution System to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$113,708.40 (plus idle fund interest - \$1,528.44 plus temporary note interest - \$192.16). Financing to be issued at this time - \$115,429.00. (735111/448-89765/470-781).

yyyy) Improving Water Distribution System to serve Copper Gate Estates (south of 13th Street North, west of 135th Street West). Total Cost - \$82,689.57 (plus idle fund interest - \$1,078.35 plus temporary note interest - \$96.08). Financing to be issued at this time - \$83,864.00. (735104/448-89755/470-774).

zzzz) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$118,792.81 (plus idle fund interest - \$1,418.73 plus temporary note interest - \$480.46). Financing to be issued at this time - \$120,692.00. (735099/448-89764/470-769).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 40

aaaaa) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$22,381.54 (plus idle fund interest - \$320.46 plus temporary note interest - \$0). Financing to be issued at this time - \$22,702.00. (735127/448-89821/470-797).

bbbbb) Improving Water Distribution System to serve Liberty Park Addition (south of 13th Street North, east of 135th Street West) Total Cost - \$72,157.57 (plus idle fund interest - \$863.35 plus temporary note interest - \$96.08). Financing to be issued at this time - \$73,117.00. (735103/448-89747/470-773).

ccccc) Improving Water Distribution System to serve Iron Horse at Oxford Addition (south of 29th Street North, west of Woodlawn) Total Cost - \$64,278.16 (plus idle fund interest - \$883.76 plus temporary note interest - \$96.08). Financing to be issued at this time - \$65,258.00. (735120/448-89784/470-790).

ddddd) Improving Water Distribution System to serve Pine Meadow Addition (south of 13th Street North, east of Greenwich). Total Cost - \$60,838.23 (plus idle fund interest - \$842.77 plus temporary note interest - \$0). Financing to be issued at this time - \$61,681.00. (735131/448-89647/470-801).

eeeee) Improving Lateral 36, Main 24, War Industries Sewer to serve Remington Place Addition (south of 21st Street North, east of Webb). Total Cost - \$74,714.86 (plus idle fund interest - \$422.52 plus temporary note interest - \$672.62). Financing to be issued at this time - \$75,810.00. (743959/468-83248/480-647).

Motion--carried

Mayans moved that the statements of cost be approved and filed. Motion carried 6 to 0, (Gray absent).

CLEAR CREEK

PETITION TO CONSTRUCT A STORM WATER DRAIN IN CLEAR CREEK ADDITION - WEST OF 143RD STREET EAST, SOUTH OF KELLOGG. (District II)

Agenda Report No. 03-1320

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements in a new residential development located west of 143rd Street East, south of Kellogg.

The Petition totals 489,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-643

Resolution of findings of advisability and Resolution authorizing construction OF storm Water Drain No. 203 (west of 143rd Street East, south of Kellogg) 468-83613, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 41

HAWTHORN 2ND

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR HAWTHORNE SECOND ADDITION - NORTH OF 21ST STREET, EAST OF 127TH STREET EAST. (District II)

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide water service in a new residential development located north of 21st Street, east of 127th Street East.

The Petition totals \$26,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-644

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89737 (north of 21st Street, east of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

THUNDERBIRD OFFICE PARK

PETITIONS FOR SANITARY SEWER, STORM WATER SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE THUNDERBIRD OFFICE PARK - WEST OF 119TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 03-1322

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer, storm water sewer, and water service to a new commercial development located west of 119th Street West, south of Maple.

The Petitions total \$189,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-645

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89899 (west of 119th Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 42

RESOLUTION NO. 03-646

Resolution of findings of advisability and Resolution authorizing improving of Lateral 35 Main 1, Cowskin Interceptor Sewer (west of 119th Street West, south of Maple) 468-83425, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-647

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 602 (west of 119th Street West, south of Maple) 468-83746, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

THE LEGACY

PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE THE LEGACY ADDITION - WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 03-1323

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new residential development located west of Meridian, south of MacArthur.

The Petitions total \$421,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-648

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-89902 (west of Meridian, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-649

Resolution of findings of advisability and Resolution authorizing construction of Lateral 497, Southwest Interceptor Sewer, (west of Meridian, south of MacArthur) 468-83742, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-650

Resolution of findings of advisability and Resolution authorizing improving (west of Meridian, south of MacArthur) 472-83892, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 43

STREET CLOSURES **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

CLAIMS **REPORT ON CLAIMS ALLOWED-NOVEMBER 2003.**

<u>Name of Claimant</u>	<u>Amount</u>
Cronin, Daniel	\$316.47
Cullom, Brian	\$50.00
Heiman, Joseph D.	\$150.96
Latimer, James D.	\$340.49
Longfellow Apartments	\$151.95
Sedgwick County Electric Coop	\$4,737.45

Motion--carried Mayans moved that the report be received and filed. Motion carried 6 to 0, (Gray absent).

INDIG. DEFENSE **INDIGENT DEFENSE CONTRACT.**

Agenda Report No. 03-1324

The City is required to provide legal defense to persons accused of a crime when they cannot afford to hire a private attorney. By ordinance, the Administrative Judge has the authority to maintain a list of qualified attorneys who will be assigned cases at a fee set by the ordinance. Additionally, the court is allowed by ordinance to contract with attorneys to provide all indigent defense services subject to Administrative Regulation 7d.

In 2002, the services of appointed legal counsel were provided in approximately 12,000 cases for approximately 9,000 defendants. For the past six years the Court has contracted with Suzanne Dwyer, Attorney at Law to provide this indigent defense service.

Recently the Court requested proposals from the legal community to represent indigent defendants. One response only to the proposal was received. A screening committee, comprised of the Administrative Judge, Court Administrator and Finance staff member was formed to evaluate the response. The screening committee selected Ms. Suzanne Dwyer to provide the services.

Defense attorneys will provide services to their clients on a five-day per week schedule as compared to the past contracted four-day work week. Note, the initial contract in 1997 – 1999 with this vendor provided for services to the clients based upon a five-day work week. The contract in year 2000 was based upon a four-day work week, which caused court case backlog and inefficient use of court time. Re-implementing the five-day work week will allow for integration of public defender cases with the regular dockets for all other Municipal Court cases excluding the first Fridays of the month and regular holidays. This service will also be provided to the indigent clients housed in the Sedgwick County Detention Facility with Municipal Court charges. Additionally, the attorneys will meet with their clients in their office at 114 N. Market. They will be available in person and by telephone to answer questions and discuss the case.

The annual cost of this contract is \$263,600 as compared to the past contract amount of \$250,000. It is noted, however, that the \$263,600 amount has not increased from the 1997 contracted amount. A \$4 fee is included in court costs for every case and ticket processed in Municipal Court. By year-end 2003 it is expected this fee will generate \$251,300. Additional revenues will be generated through a fee assessed to indigent defendants based on Indigent Defense Services income levels and the number of times the case is handled by the court. By year-end 2003, it is expected this fee will generate \$34,200.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 44

The 2003 Adopted Budget for Municipal Court authorizes \$250,000 for indigent defense services. Budgetary action to increase the budgeted amount from \$250,000 to \$263,600 will be submitted when revising the 2004 budget.

The contract will be reviewed by the Law Department and approved as to form.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

VICTORIA PARK

MANAGEMENT OF VICTORIA PARK APARTMENTS. (DISTRICT VI)

Agenda Report No. 03-1325

Victoria Park Apartments is located at 612 East Douglas. The property is a three-story brick building. The upper two floors consist of 20 residential apartments. These units are subject to a HUD Housing Assistance Plan (HAP). This plans requires that the units be leased to very low income tenants and provides rent subsidies. The first floor of the property has common areas and two retail/commercial spaces. The City acquired this property in 1994. Management of the property during City ownership has been provided by outside management companies or City staff. The property is currently managed by Pioneer Management.

There are no extensions remaining on the current management agreement. A request for proposal was prepared and mailed to all local management companies that provide third-party management of multifamily properties as well as several management companies that provide third-party management of commercial/retail facilities. One proposal was received. This proposal was from the current management company, Pioneer Management. They propose to lease the facility, oversee all operations and maintenance and prepare all HUD reports and documents for an amount equal to 10% of gross rents with a minimum monthly fee of \$425 plus \$80 per month for accounting and record keeping. The only increase from the prior contract is \$10 per month for accounting.

Motion--
--carried

The cost of management is included in the approved budget for the property. Mayans moved that the Property Management Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

WORKER'S COMP.

PROFESSIONAL LEGALSERVICES-WORKER'S COMPENSATION.

Agenda Report No. 03-1326

The City retains outside legal counsel to provide legal advice and handle workers' compensation claims, litigation and related assignments. Because workers' compensation litigation has become a specialized area of law, it is necessary to retain outside legal counsel to perform these services.

Because of the variety and volume of legal issues and services that the claims will generate, the selected law firm will be utilized to assist the Department of Law and the Risk Manager in performing a broad range of professional services related workers' compensation.

To select legal representation in workers compensation cases commencing in 2004, a request for proposal was sent to 31 local attorneys and law firms who handle workers compensation matters. Six attorneys responded to the request and were interviewed by a panel. Those who were interviewed were evaluated on their experience, approach to problems, legal skills and knowledge, price and overall value. Mr. Edward J. Heath Jr. was ranked the highest following the interviews.

This agreement provides authority for \$60,000, to be paid upon receipt of detailed billings of hourly work and expenses. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers Compensation fund.

The City Attorney's office has prepared the Agreement and has approved it as to form.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 45

Motion--

Mayans moved that the Ed Heath law firm to provide workers' compensation professional legal services be selected and the Mayor to sign the Agreement for Professional Services be authorized. Motion carried 6 to 0, (Gray absent).

--carried

FRANCHISE AGREE FRANCHISE AGREEMENT-CITY OF BEL AIRE TREATED WASTEWATER FACILITIES.

Agenda Report No. 03-1327

The City of Bel Aire is developing a distribution system to transport treated wastewater from the Park City wastewater treatment plant to customers located within the city limits of Wichita. This water will be used for irrigation and process water and other non-potable uses. The City of Bel Aire is developing agreements with customers to be served by this new line. Initially, they anticipate providing service to the Willow Bend Golf Course.

The City Council considered this issue on August 12, 2003, and directed staff to allow Chisholm Creek Utility Authority to sell treated wastewater to customers within the city limits of Wichita subject to certain conditions. The cities of Bel Aire and Park City own the Chisholm Creek Utility Authority.

In order to place their treated wastewater lines in public right-of-ways within the City of Wichita corporate limits a Franchise Agreement is required. A franchise agreement has been negotiated with the City of Bel Aire. The proposed Franchise Agreement addresses the issues discussed at the August 12, 2003, City Council meeting. These issues are: imposition of the same franchise fees as apply to other utilities; any customer of this utility can cancel the service without any penalty to allow these customers to purchase treated wastewater from the City of Wichita in the future; and the City of Wichita is held harmless from any liabilities connected with the sale or use of this wastewater.

Placement and construction standards for the treated wastewater main have been reviewed and approved by the City Engineer's Office in the Public Works Department and the Water and Sewer Department.

Under the proposed Franchise Agreement the City will receive 5% of the gross receipts from sales of treated wastewater to customers within the city limits. In addition, if the City of Bel Aire constructs any treated wastewater lines in street right-of-way that do not directly serve customers, they will pay \$2.50 per foot per year as a franchise payment. Once a line segment is being used to serve customers, payment would revert to the 5% of gross receipts from sales of treated wastewater within the city limits.

Motion--

Mayans moved that the First Reading of the Ordinance for the wastewater contract Franchise with the City of Bel Aire be approved and the necessary signatures be authorized. Motion called 6 to 0, (Gray absent).

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to the City of Bel Aire, Kansas, a franchise for the placement of facilities for treated wastewater; and prescribing the terms of said grant and relating thereto, introduced and under the rules laid over.

HILAND DAIRY HILAND DAIRY. (DISTRICT VI)

Agenda Report No. 03-1328

On November 4, 2003, the City Council provided funding for, and authorized staff to proceed with, the Central Rail Corridor project.

Hiland Dairy is at the northeast corner of the rail corridor and Central Avenue. They currently utilize railroad right-of-way to access loading docks, which are on the west side of their facility.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 46

During the construction of the rail project they will not be able to access their loading docks because the railroad right-of-way will be used for a temporary detour for trains during the early construction phases of the rail project. When the project is complete, they will not be able to use the railroad right-of-way because a retaining wall will be constructed to support the elevated rail corridor.

Consequently, Hiland Dairy must reconfigure their loading dock operation if they are to continue to operate at their present location.

Hiland Dairy has agreed to reconfigure the loading docks to accommodate the rail project. Payment from the City to Hiland Dairy will be for actual costs incurred in amount not to exceed \$618,876. This cost is included in the existing project budget. The project is included in the currently approved CIP and in the proposed draft CIP Workbook.

Motion--
--carried

Mayans moved that the Agreement with Hiland Dairy be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

LOBBYING SERVICES CONTRACT FOR LEGISLATIVE (LOBBYING) SERVICES.

Agenda Report No. 03-1329

On September 23, the City considered the utilization of contract lobbying services for the coming legislative year. A number of firms were considered and six firms who have the experience and recognition were contacted. Personal and telephone interviews were conducted with five firms. Each of the firms are highly capable and would provide the City with excellent representation. At its December 2, 2003 meeting, the City Council approved the selection of Burgess and Associates and authorized Staff to negotiate the contract for the calendar year 2004.

The services performed by contract lobbyist include, but not limited to, representing the clients interests before the legislature and its legislative committees, meeting with clients, when necessary to explain legislative issues, maintain communication on matters impacting the client, monitoring legislative activity, facilitating (client) testimony before the committees, analyzing bills and research issues, and carry out other representations as required.

Fees for the legislative (lobbying) contact will not exceed \$50,000. Funding for this contract will be allocated from the Governmental Relations position budgeted in the General Fund. The City Council has the authority to enter into contracts for such professional services. Legal staff will review the contract as to form.

Motion--
--carried

Mayans moved that the contract for lobbying services with Burgess and Associates be approved. Motion carried 6 to 0, (Gray absent).

LEGAL SERVICES AGREEMENT FOR PROFESSIONAL SERVICES-JOHN C. PECK-WATER LAW.

Agenda Report No. 03-1330

The Water & Sewer Department and the City Attorney have previously retained the services of an outside legal expert from time to time for advice on water law and water rights issues affecting the City of Wichita. John C. Peck, an attorney and KU Law School Water Rights professor, has previously advised the City on various specialized matters involving acquisition of water rights, Equus Beds, and work with the Division of Water Resources. Such services are again needed for up-coming water projects, including the Equus Beds Aquifer Storage and Recovery Project.

This Agreement authorizes the City to use the professional services of John C. Peck for legal advice and professional assistance in the Equus Beds Aquifer Storage and Recovery Project. He would also be retained to be available for other water rights issues on an as needed basis.

The services included in this Agreement are for a not-to-exceed sum of \$25,000. Payment for these services is available within the CIP for water supply projects.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 47

Motion--
--carried

Mayans moved that the professional services agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

BENEFITSCORP.

AMENDMENT TO SECTION 457 ADOPTION AGREEMENT WITH BENEFITSCORP.

Agenda Report No. 03-1331

In December 2001, the City Council approved the Section 457 Plan Agreement in order to comply with Internal Revenue Code provisions. The adoption agreement inadvertently left silent FICA replacement plan provisions utilized by the Wichita City Council.

The amendment is necessary to continue the option of utilizing the section 457 deferred compensation plan as a mandatory retirement vehicle in lieu of social security for City Council members. The amendment is effective January 1, 2003. City Council has utilized this FICA replacement option since 1991.

All costs associated with the administration of the program are borne by the participants.

Motion--
--carried

Mayans moved that the amendment to the BenefitsCorp Section 457 Adoption Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

CHENEY WATRSHED WORKING AGREEMENT FOR CHENEY WATERSHED DEMONSTRATION PROJECTS.

Agenda Report No. 03-1332

Cheney Reservoir is a major water source for Wichita currently providing approximately 60% of the City's annual water supply. On August 24, 1993, City Council approved the concept of assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed above the reservoir.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the Reservoir from erosion, displacing stored water, and is a major factor in determining the "life" of the Reservoir. The high phosphate levels in the water can lead to an increase in microscopic plant activity in a lake that increases taste and odor problems.

A Management Plan has been approved for the watershed that identifies "best management practices" (BMP) to help reduce pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the Management Plan. The proposed Agreement promotes the use of BMPs and establishes procedures for payments to producers who implement the practices. It addresses funding for construction of demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips, and concrete drainage structures. Incentives are included to promote the use of alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control, and planned grazing systems) and to convert land in the Conservation Reserve Program to rangeland by installing water systems, fencing, and filter strips.

A new incentive program is being offered for small community wastewater treatment plants to make voluntary improvements that will improve the quality of their discharge. This program offers a one-time payment of \$2,500 per community to match other funding sources.

Allocated funds may not be fully utilized during the fiscal year, as participation is voluntary. Most of the practices are also eligible for funding from an EPA 319 Grant that provides up to 60% of the cost of a BMP project. The City will match the 40% not covered by federal funds. Fencing projects around sites previously enrolled in the Conservation Reserve Program are not eligible, but are eligible for 50% funding from the City, with 50% being paid by the landowner.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 48

CIP W-500 (Cheney Watershed Protection Plan) has allocated \$200,000 for 2004 for this effort. The maximum amount that the City could spend in FY 2004 for the City's share of the costs for all practices covered by this Working Agreement would not exceed \$75,600.

Motion--
--carried

Mayans moved that the Working Agreement be approved and the necessary signatures be
Motion carried 6 to 0, (Gray absent).

SPACE UTILIZ.

SPACE UTILIZATION STUDY CONTRACT.

Agenda Report No. 03-1333

The City Council approved funding on December 2, 2003 for a Space Utilization Study of the "public areas" on the 10th floor of City Hall. These are the areas that are frequently visited by customers of the Planning Department.

A Request for Proposal for the Space Utilization Study was sent to forty-six consultants. To enhance customer service, the scope of services for this study included identifying needs of staff and customers, office space planning, providing recommendations for technology improvements and updated furnishings, and preparing design plans and bid documents.

The Staff Screening Selection Committee met on December 5 to review the four proposals that were received. The unanimous vote was to recommend Law/Kingdon, Inc. for the Space Utilization contract. Law/Kingdon's proposal included all the requirements in the scope of services for the study, and they had the lowest fee.

The Law/Kingdon fee for this study is \$12,500. This is within the \$45,000 budget adjustment that was approved by the City Council.

Motion--
--carried

Mayans moved that the selection of Law/Kingdon, Inc. for the Space Utilization Study be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

SALES TAX BONDS

SELECTION OF FINANCIAL ADVISOR-SALES TAX BONDS.

Agenda Report No. 03-1334

The City is offered for sale one series of general obligation refunding and improvement bonds totaling \$48,855,000 on November 4, 2003. A portion of the proceeds from the sale of the Series 2003B Bonds were used to permanently finance certain City-at-large projects associated with the Kellogg Freeway. The remainder of the proceeds from the sale of the Series 2003B Bonds were used to retire the Series 1996 LST Bonds.

The City received 12 bids with the winning rate of 3.6282%. The approval to use Springsted for financial advisory services at the time of sale was omitted from the agenda report. Financial services are not normally a part of a standard bond sale only when a refunding component is a part of the total issue.

To assist Staff in preparing for the Sales bond issue, it was deemed important to secure the services of an outside financial advisor to: (1) Provide feasibility analyses of the refunding given various structures and market levels; (2) Advise on the terms of sale of refunding bonds; (3) Monitor market changes and their impact on the refunding preceding sale date; (4) Assist on the sale date with evaluating the outcome of the refunding, and make recommendations as to award; (5) Assist in the final structuring of the refunding; and (6) Assist with the settlement of the issue.

The Financial services will be paid from the cost of issuance established at the time of the sale.

The Department of Law will approve the contract as to form. The City Council must approve all contracts in excess of \$10,000. Springsted is the financial advisor to Sedgwick County, selected

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 49

through a competitive selection process. Sedgwick County allows the City to use its financial advisor under the same terms and conditions.

Motion--
--carried

Mayans moved that the contract in an amount not-to-exceed \$13, 500 be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

LEGAL SERVICES

CONTRACT FOR OUTSIDE LEGAL SERVICES-GARVER CONSTRUCTION LTD. V CITY OF WICHITA, ET AL.; CASE NO. 03-CV3723.

Agenda Report No. 03-1335

In September 2003 the City was sued by Garver Construction, Ltd. in connection with a construction contract between the City and Garver. In January 2001 Garver was selected as the low bidder on a construction project to construct the War Industries Sewer Relief Line Phase 3—Project No. 468-82930. Garver encountered difficulty constructing the sewer line because of large deposits of rock in the subsoil. Garver has claimed in its lawsuit that the City and the City's consulting engineer, Professional Engineering Consultants, are obligated to Garver in the amount of just under \$4 million dollars. Garver claims these damages are due to delays they encountered in completing the job and the consequential loss of other business and increased overhead on this job and at their home office.

It is the City's position that it is not legally responsible for the damages claimed by Garver. The complexity and the specialized nature of the legal issues involved requires the expertise of outside counsel to defend the City's position in this litigation.

In late October the Law Department solicited proposals from 10 law firms in the City who had the ability and experience to handle a case of this magnitude and complexity. Five firms responded and, after an evaluation of those responses, three firms were selected to be interviewed.

After the interviews, Law Department staff and the City Attorney determined that the law firm of Hite, Fanning & Honeyman presented the proposal that best served the interests of the City with respect to the expected cost for the defense of this case and the necessary experience and legal ability to conduct the City's defense.

The fees and expenses for the City's defense of this lawsuit will be paid by the Water and Sewer Utility.

Motion--
--carried

Mayans moved that the Mayor execute the contract on behalf of the City be approved. Motion carried 6 to 0, (Gray absent).

ASSET MANAG.

ASSET MANAGEMENT AGREEMENT.

Agenda Report No. 03-1336

On September 25, 2001, the City Council approved the purchase of the Hyatt Regency Wichita Hotel. The City became the sole owner of the Hyatt Regency Wichita and as such assumed responsibility for oversight over various operational and financial areas with respect to management of the Hyatt. Day-to-day management of the hotel is contracted to the Hyatt Hotel Corporation. To provide expert assistance in the oversight of hotel management activities, the City engaged in the services of PKF Consulting to serve as the City's Hotel Asset Manager. The initial term of the PKF asset management contract will expire at the end of 2003.

Asset management is defined as the oversight of the long-term value of the hotel as a real estate entity, while maintaining the business value and profitability of the operations of the hotel. The asset manager is an agent of the hotel owner (the City) and provides a knowledgeable and experienced interface between the owner and the management company. The asset manager makes recommendations to the hotel owner concerning performance and improvements relative to the management of the hotel, capital budgets, the condition of the physical plant, financial reporting, monitoring of contract compliance, and so on.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 50

PKF Consulting of Houston, Texas has served as the City's principal advisor on its dealings respecting the Hyatt Regency Hotel, going back to the original market feasibility study and selection of the hotel developer. PKF assisted the City in completing the transfer of ownership from EBHA and with transition issues that occurred. Since November 2001, PKF has visited the property on a quarterly basis and met with hotel management personnel (and the City) to evaluate operations and progress with any changes, capital improvement projects, etc. and reviewed in detail the financial performance of the hotel. The current term of the initial engagement of PKF Consulting as the Hotel Asset Manager ends December 31, 2003.

PKF Consulting is a national leader in the field of hospitality consulting services, with offices in most major cities in the U.S. and overseas. John Keeling is a senior vice president in charge of the Houston Office of PKF Consulting and has been involved in the Hyatt Regency Wichita project since its inception. Mr. Keeling and his firm have rendered valuable service as the City's Hotel Asset Manager.

Under the terms of the contract renewal, it is proposed that the PKF will evaluate monthly operating and financial results, follow up with management to determine the reasons for material variances, visit the property on a quarterly basis and meet with hotel management personnel (and the City) to evaluate operations and progress with any changes, capital improvement projects, etc. and annually will evaluate the marketing Plan, Annual Plan and the Capital Budget. The proposed term of the renewed engagement of PKF Consulting as the Hotel Asset Manager is for a two year term ending December 31, 2005.

The proposed compensation for on-going hotel asset management services from PKF Consulting are \$3,000 per month, which result in annual charges of \$36,000, plus expenses estimated not-to-exceed \$10,000 per year. This represents a total cost reduction of approximately \$20,000 from the prior contract costs. The source of funding of the City's hotel asset management costs will be from hotel operating cash flow.

Motion--
--carried

Mayans moved that the agreement for hotel asset management services with PKF Consulting be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

(Agenda Item #33n)
KS. WORLD TRADE

KANSAS WORLD TRADE CENTER AGREEMENT.

Council Member Martz declared a conflict of Interest.

Agenda Report No. 03-1337

Since 1998, the City has contracted for economic development services from the Kansas World Trade Center ("KWTC") in the annual amount of \$50,000 per year. Sedgwick County likewise contracted for similar services from KWTC in the same amount. Since the early 1990s, KWTC has operated administratively under a program services and lease agreement with the Chamber of Commerce. In November 2002, the KWTC entered into an administrative agreement with the City of Wichita to relocate in City Hall and to continue its international trade education and research services.

The mission of the KWTC is to promote the expansion of international trade activities of businesses in Wichita and in Kansas by providing specialized trade assistance and research to companies wishing to expand their access to the global marketplace. In addition to providing consulting and targeted services and research for companies that are actively seeking international trade opportunities, the KWTC also conducts promotional campaigns, seminars, trade missions and presentations aimed at creating awareness of such opportunities. Under the proposed contract with the City, KWTC will continue to provide those same economic development services to companies seeking to increase international trade activity and will provide office/staffing and administrative support for KWTC operations.

Under the terms of the agreements, the City will continue to provide funding support for KWTC economic development services in an annual amount not-to-exceed \$50,000, subject to annual appropriations by the City Council, as part of the annual budget process. The City will continue providing office and support services in accordance with the 2002 support agreement. Funding for the

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 51

City's support of the KWTC was budgeted and approved in the adopted 2004 budget within the City's Economic Development Fund.

The agreements will be approved as to form by the Law Department prior to its execution.

Motion--

Fearey moved that the proposed economic development and support services agreements with the Kansas World Trade Center be approved and the necessary signatures be authorized. Motion carried 5 to 0, (Martz-abstained due to conflict of interest and Gray absent).

--carried

CONSULT. SERV.

CONTRACT FOR CONSULTING SERVICES-CITY MANAGER EXECUTIVE SEARCH.

Agenda Report 03-1338

On December 2, 2003, the City Council selected Slavin Management Consultants to conduct an executive search for candidates for the City Manager position.

The Law Department has drafted a contract for these services that reflects Slavin's proposal.

These fees and expenses for Slavin's services in conducting this search will not exceed \$20,916.00.

The Law Department has approved the contract as to form.

Motion--

Mayans moved that the contract for consulting services related to the executive search for City Manager be approved and the Mayor to execute the contract on behalf of the City be authorized. Motion carried 6 to 0, (Gray absent).

--carried

DESIGN SERVICES

DESIGN SERVICES FOR FIRE STATIONS.

Agenda Report No. 03-1339

The City has undertaken a multi-year plan to relocate eight existing Fire stations and construct two new Fire stations. Fire Station #10, currently located on the southwest corner of 17th and Grove, is scheduled for relocation in 2004. The computer modeling of fire and emergency response identified the 21st Street Corridor between Grove and Hillside as optimum for relocation of the station. Land has been assembled and cleared to allow construction.

The City requested proposals from qualified firms to provide architectural services for construction of a new fire station, with an option for an additional station. Ten firms responded as follows: Gossen Livingston Associates, Law/Kingdon, Inc., Wilson Darnell Mann, McCluggage Van Sickle & Perry Corp., Schaefer Johnson Cox Frey & Associates, Hanney & Associates, Jeff Krehbiel Associates, Richard B. Kraybill, PBA Architects and Randal Steiner. The Staff Screening and Selection Committee interviewed Gossen Livingston Associates, McCluggage Van Sickle & Perry and PBA Architects.

The firm of Gossen Livingston Associates was selected for the project based on commitment to meeting the schedule, firm experience with similar projects, approach to the project and competitive fee for services. Fees will not exceed \$68,400, which includes design fees of \$66,400 plus \$2,000 for reimbursable expenses. Design fees for a second station would be \$56,900 plus \$2,000 for reimbursable expenses.

Funding for the land, design work and construction for Station #10 was approved on March 4, 2003 and is included in the Capital Improvement Program.

Motion--

Mayans moved that the contract for architectural design services be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 52

CHANGE ORDER

STORM WATER DRAIN IN HAWTHORNE ADDITION, NORTH OF 21ST STREET EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 03-1340

On October 22, 2002, the City Council approved a construction contract for a storm water drain in Hawthorne Addition, a new residential development located north of 21st, east of 127th Street East. The developer of the addition has requested that soil being excavated for a lake be placed as roadway sub-grade rather than stockpiled on site, saving the developer's cost to move the soil twice.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$50,895. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Gray absent).

EMP. RETIREMENT

CUSTODIAL TRUST AND RECORD KEEPING SERVICES FOR THE JOINT INVESTMENT COMMITTEE OF THE WICHITA RETIREMENT SYSTEMS.

Agenda Report No. 03-1341

The two pension systems (Wichita Employees' Retirement and Police & Fire Retirement) utilize the services of a bank to provide the joint pension fund "custodial services" which include the valuation of the pension portfolio, securities trade settlement, liaison with the Fund's eleven investment managers, securities lending, safekeeping of securities, short term investment of pension cash and monthly pension payroll. Northern Trust has served as the custodian for the joint fund since July 1997.

INTRUST Bank has served as the custodian, and investment manager for WER Plan 3 assets and also as trustee for Plan 3 vested members since October 2000. A division of INTRUST, NestEgg Consulting Inc. has served as Plan 3 record keeper since October 1997.

In April 2003, the Joint Investment Committee of the Wichita Retirement Systems issued a Request for Proposals (RFP) for custodial and record keeping services for the joint fund (comprised of assets of the defined benefit plans) and the Wichita Employees' Retirement System Plan 3 (a defined contribution plan). This RFP was sent directly to eight providers. Four responses were received. The Pension Manager and the Board's financial consultant, Callan Associates Inc., analyzed the proposals and provided summary information to the Committee. The Committee determined that all four firms would be interviewed. The custodial firms were: Northern Trust, Chicago; Bank of New York, New York City; and State Street, Boston. NestEgg Consulting of Wichita submitted a response for record keeping.

The Pension Manager, Treasurer and the Financial Consultant conducted on-site visits to the three custodial banks for more in-depth review of on-line systems and staffing capabilities. An on-site visit was also conducted with SunGard Wealth Management, a third party provider of NestEgg Consulting. Both RSM McGladrey (partnering with Northern Trust) and Northeast Retirement Services (partnering with State Street) came to Wichita to be interviewed by Pension Staff. The Joint Investment Committee unanimously approved negotiating contracts with State Street of Boston and Northeast Retirement Services of Woburn, MA.

In considering the proposals, the most important services outside of the day-to-day custody operations were the client servicing capabilities and the total solution set proposed for unitization of the defined benefit and contribution plans. Securities lending, benefit payments, passive index management and cash management services along with fees were also closely analyzed. A final key decision factor was the working partnership/experience/relationship demonstrated between the custodian and record keeper.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 53

The past contract with the former custodial bank was negotiated with both a market value and transaction based fee components. For the year ended June 30, 2003, the joint fund's expense for custodial banking services (excluding WER Plan 3 assets) was approximately \$263,000. The annual fee under the new contract would be approximately \$256,000 and was negotiated with a flat fee component guaranteed for a five-year period. In addition to existing custodial services, this fee is inclusive of new services not previously provided (unitization of investments managed by the joint fund's eleven investment managers to allow for WER Plan 3 investment).

The overall contract will reduce projected banking fees by approximately \$150,000 per year including fees for custody, benefit payment, record keeping, and investment management services.

Under the ordinances creating the two pension systems, the governing body has delegated the fiduciary and administrative responsibilities to the boards and pension staff. Under that delegation, the actual contracts for custodial and record keeping services will be between the pension boards and the designated custodian (State Street) and record keeper (Northeast Retirement Services), however, it was deemed important to secure the support and approval of the governing body for the selection of the new custodian and record keeper. The Law Department will approve the contracts.

Motion--
--carried

Mayans moved that the selection of State Street as the pension fund custodian and Northeast Retirement Services as the pension fund record keeper be approved and the report filed. Motion carried 6 to 0, (Gray absent).

MULTI-PARAMETER PURCHASE OF MULTI-PARAMETER INSTRUMENTS.

Agenda Report 03-1342

The Sewage Treatment Division budgeted \$33,000 to purchase four replacement auto samplers for monitoring industrial discharges into the sanitary sewer. Technological advances in the manufacture of auto-samplers have produced better samplers with competitive prices. Four samplers have been requisitioned for a total cost of \$11,318 leaving a \$21,696 balance in the capital budget that was designated for purchasing replacement auto-samplers.

Staff proposes reallocating the remaining funds to purchase two multi-parameter monitoring instruments to perform water quality sampling in the Arkansas River.

Water quality sampling using multi-parameter instruments will assist Staff in profiling the Arkansas River at various sites in the Wichita area. The meters are left at the monitoring sites to collect data at specified time intervals for extended time periods, as opposed to present instrumentation that allows one field measurement to be taken when the sample is collected. The multi-parameter instrument will assist Staff in determining pollutant sources and will identify the time of day the pollutant is prevalent. Staff proposes using the remaining \$21,696 in the budget to purchase the multi-parameter instruments. Price quotes for a multi-parameter sampler range from \$9,800 and \$12,000.

Motion--
--carried

Mayans moved that the purchase be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

ENVIR. INS. BROKER ENVIRONMENTAL INSURANCE BROKER FOR 21ST STREET REVITALIZATION PLAN.

Agenda Report No. 03-1343

Over the years, the City has prepared many plans for an industrial area along 21st Street in the northern part of Wichita. In October 2003, the City solicited proposals for consulting services for another plan, 21st Street North Corridor Revitalization Plan, needed for the redevelopment and improvement of the area. Some of the properties within the 21st Street project boundaries are in a known groundwater contamination area called North Industrial Corridor (NIC). This area contains many private industrial properties that are suspected or known to have contributed to environmental pollution. The project proposed in this report will authorize staff to explore an option to utilize a new strategy called "Insured Fix Cost Cleanup" by seeking contract proposals from professional insurance brokers. These services

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 54

would be used to coordinate and cost effectively manage the cleanup of one or more industrial sites in the 21st Revitalization area that may require environmental cleanup and that could be a candidate or candidates for EPA Brownfield's grants, Tax Increment Financing, or other economic development funding program. This project would augment the 21st Street Revitalization Plan.

"Insured Fix Pricing Cleanup (IFC)" is a relatively new concept (5-10 years old) that local governments in many parts of the country and EPA are now using to effectively address environmental remediation for properties that can be redeveloped into useful business and public endeavors. Benefits of this method are reported to be numerous including significantly reducing both cost and time for the total completion of the project, limiting or eliminating the liability for a municipality, presenting tax and reserve benefits for Potentially Responsible Parties (PRPs), and aiding municipalities in obtaining significant federal funding for Brownfield's-type projects, Tax Increment Financing, and economic development since risk is reduced, liability limited, and effective project completion more certain. It is unknown the cost of a brokerage agent but these projects work best if the cost of the total remediation project is greater than \$10 million dollars. The City's Administrative Regulations require that projects with costs in excess of \$10,000 be submitted to the Council to initiate the project.

Motion--
--carried

Mayans moved the staff to begin the project by preparing a Request for Proposal for consulting services to explore the option of Insured Fixed Cost Cleanups be authorized. Motion carried 6 to 0, (Gray absent).

WATER UTILITY

TRANSFER OF FUNDS-WATER UTILITY.

Agenda Report No. 03-1344

In the past, a frequent performance complaint of water and sewer customers was the length of time for service installation. In July 2002, City Council affirmed Staff's recommendation to adopt procedures to reduce the time involved to install new water services and implemented a three-year schedule of increases in tap fees to insure that the fee covered the entire cost of the tap process. Part of the procedure change is having a private contractor install a larger portion of the services, particularly during peak construction season, decreasing installation time from an average of fifteen (15) working days to six (6) working days.

This has been a record year for new water service installations and revenues received. Nearly \$1.8 million in plant equity fees has been collected through October, which is slightly more than the previous record amount collected in 2002. Tap fees may exceed \$2 million by year-end. The tap fee paid by a customer is designed to cover the cost of installation, so even though expenses will exceed estimates, so will revenues.

Staff analyzed alternatives that would allow service installation and new construction to continue without increasing budget authority. If City crews were to install all new services, maintenance activities would significantly decrease, service installation times would increase, and Staff overtime would increase significantly, creating a different stress on the budget.

More services were installed than anticipated, and a larger portion of these than anticipated was installed by contractors. The 2003 Revised Budget includes \$495,000 for installation of water services by a contractor. To-date \$708,425 has been spent with an additional \$235,000 expected for November and December. There are excess funds allocated for in-house installations in commodities and in personal services. A reallocation of \$250,000 will provide sufficient budget authority to meet operational needs through year-end. The Finance Department concurs with the Water & Sewer Department assessment.

City Council approval is required for budget transfers over \$25,000.

Motion--carried

Mayans moved that the transfer be approved. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 55

WATER DIST. MAINS WATER DISTRIBUTION MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 03-1345

This project is included in the ten-year Capital Improvement Program to serve future developments and newly annexed areas. It provides for the City's share in funding the installation of new water mains. These mains serve as the backbone of the system and establish the current service area of the water distribution system.

The Water Master Plan indicates the need to extend the water distribution system where future growth and development is occurring. This is primarily due to growth outside of, or in addition to, the growth area of the City that was anticipated at the time the Water Master Plan was prepared. The projects are identified when a petition for water system extensions is received. The water utility then pays for links and over-sizing of the water system in developments. Additionally, funds are used to design and relocate water mains for future Public Works' projects.

Unidentified Water Mains (CIP W-65) has a budget of \$3 million in 2004. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the expenditures for 2004 be approved; the Resolution adopted; and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-651

A Resolution authorizing water distribution mains for future use, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

MAIN REPLACEMENT WATER DISTRIBUTION MAIN REPLACEMENT.

Agenda Report No. 03-1346

This project is included in the ten-year Capital Improvement Program. It provides funding for the replacement of water lines that either leak frequently, or need to be replaced because they are too small to meet current demands. Specific lines to be replaced are identified on an ongoing basis by Public Works engineers and the Water & Sewer staff.

Water distribution main replacement is essential for maintaining the water system infrastructure, decreasing the number of water main breaks, reducing water system maintenance costs, and improving customer service.

Distribution Main Replacement Program (CIP W-67) has a budget of \$4 Million for 2004. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the expenditures for 2004 be approved; the Resolution adopted; and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-652

A Resolution authorizing water distribution main replacement water distribution mains for future use, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 56

SANITARY SEWER SANITARY SEWER MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 03-1347

This project is included in the ten-year Capital Improvement Program as sanitary sewer extensions to serve future developments, newly annexed areas, and to provide for the City's share of costs to construct new sanitary sewer mains to serve existing areas that have no sewer service. The funds are used to plan, model, design, construct and/or relocate sanitary sewers for future growth.

The Sewer Master Plan, prepared by Professional Engineering Consultants and Brown & Caldwell Engineering, indicates future needs to expand the sanitary sewer service area. This project is in support of the City of Wichita Sewer Master Plan.

Capital Improvement Program (CIP #S-5) has a budget of \$2,000,000 for 2004 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

Motion--
--carried

Mayans moved that the project expenditures for 2004 be approved; the Resolution adopted; and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-653

A Resolution authorizing sanitary sewer mains for future development, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

CHENEY WATRSHED CHENEY WATERSHED STAFF POSITION-MEMORANDUM OF UNDERSTANDING.

Agenda Report No. 03-1348

Cheney Reservoir is one of Wichita's major sources of water providing approximately 60% of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed. On October 13, 1998, City Council approved an MOU with the Citizen's Management Committee (CMC), now incorporated as the Cheney Lake Watershed, Inc., to fund a public relations/education position to assist in the activities of the project. The MOU is renewable annually.

The Cheney Watershed Improvements project (over 500,000 acres in five counties) is one of the most successful of its kind in the nation, having received national awards. Over 2,300 projects have been completed in the watershed, and the completed work has resulted in a reduction in taste and odor events in drinking water, plus a significant reduction in sediment entering the reservoir. Much credit for the success of the project can be attributed to the work of the CMC, composed of people who live and work in the watershed who have worked hard to convince their neighbors that these improvements are good for both them and the City. The person funded by the MOU assists the CMC in executing public relations and educational tasks. The staff person has been very successful in increasing interest in the watershed project, increasing the number of projects completed, and consequently, improving the water quality in the reservoir.

The cost of the position will not exceed \$37,400 for 2003. The Kansas Department of Health and Environment has offered to provide \$13,000 (approx. 35%) through a grant from the U.S. Environmental Protection Agency with the City providing \$24,100 (65%). Funds are available in CIP W-500 (Cheney Watershed Protection Plan) that has \$200,000 allocated for 2004.

Motion--
--carried

Mayans moved that the MOU be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 57

H&S HOME CNTR. PAYMENT OF JUDGEMENT-H & S HOME CENTER, L.L.C. V. CITY. (DISTRICT V)

Agenda Report No. 03-1349

On April 8, 2003, the City adopted an assessment ordinance levying assessments against certain real property to pay the costs of paving a portion of 34th Street North to serve Ridge Port North Addition (Project 490-811/472-83113/765700). One of the property owners whose property was assessed a portion of these costs filed suit against the City alleging that the assessment against its property was unlawful. In October of this year the case was tried and the judge ruled that the City had improperly omitted from the improvement district a property that benefited from the paving. The judge also ruled that the assessment against the plaintiff's property was excessive.

It is unlikely that an appeal by the City of the trial court's rulings would result in a decision different than that made by the trial court. Consequently, the appropriate course of action is to amend the assessment ordinance to reflect the judge's rulings. Such an amendment should reduce the assessment against the plaintiff's property to 25% of the total costs assessed and shift 25% of the costs to the City-at-large. At this point, the City does not have the option of including the property that was omitted from the improvement district in the district and assessing any portion of the costs against that property. Consequently, the reduction in assessment against the plaintiff's property must be borne by the City-at-large.

The cost of this judgment will be borne by the City-at-large.

The Law Department recommends adoption of an amending assessment ordinance in accordance with the above analysis.

Motion--
--carried

Mayans moved that the amending ordinance be placed on first reading and adopted. Motion carried 6 to 0, (Gray absent).

2004 STREET MAINT. PROPOSED 2004 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Report No. 03-1350

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2004 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 4,318,910
Capital Investment Maintenance Program (General Fund)	762,400

Total Contracted Street Maintenance Program	\$ 5,081,310
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The City of Wichita is responsible for maintenance of over 1,600 miles of paved streets, and 106 miles of dirt streets. In addition, the City maintains 249 bridges and 30 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2004 program will provide repairs to approximately 8 miles of arterial streets and 58 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. Two bridges are also scheduled for bridge deck rehabilitation.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 58

Approximately 80 miles of streets have been annexed into the City of Wichita in the past five years. Many of these streets are in poor condition, and in need of extensive repair. The 2004 program will continue to address street needs in these newly annexed areas.

Expenditures are balanced so that funds are equally distributed among the six City Council Districts.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,081,310. Funds have been approved in the 2004 Budget for these programs.

Motion--
--carried

Mayans moved that the programs be approved and staff to make the necessary budget transfers be authorized. Motion carried 6 to 0, (Gray absent).

INSURANCE PROG. 2004 INSURANCE PROGRAM.

Agenda Report No. 03-1351

The City contracts for a number of services and insurance policies to accent its self insurance program and provide benefits to employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers' compensation and helicopter general liability. The various services included in these programs includes workers' compensation medical providers, outside appraisal services, medical bill review, and nurse case management, employment physicals, drug tests, and vehicle rental services for claimants. The Department of Finance negotiates insurance coverage and premiums on behalf of the City.

The existing Program is as follows:

Property, boiler/machinery, and data processing coverage is currently provided under a blanket policy by Allianz Insurance through Marsh, USA. The present annual premium is \$480,352 for insured values of \$439,214,000.

Public Building Commission/State Office Building complex - blanket coverage is placed by Marsh with a corresponding estimated premium of \$69,303.

Burglary/theft and employee dishonesty coverage - same policy and bond with Hartford Insurance placed by Insurance Planning Center. This is a three year prepaid policy. The pro-rated annual cost of this policy is \$7,018.

Travel/accident policy with Zurich - provides accidental death coverage for employees traveling on City business. Policy written through Insurance Management Associates at an annual premium of \$1,825.

Police helicopter liability coverage provided by AIG Aviation and written through Professional Insurance Management. The cost of the combined hull and aircraft liability insurance for the MD500 helicopter is projected to be a not to exceed amount of \$89,600.

Airport Property insurance management has been combined with the City's coverage. A separate airport liability policy is purchased from ACE USA through Dulaney, Johnston, and Priest for an annual premium of \$39,102.

The premium includes an underground storage tank liability policy for all tanks located at the airport. This cost is passed through to the airport vendors that have underground storage tanks located on airport property.

The Wichita Art Museum purchases all risk insurance coverage for their various fine art collections. A separate Art Museum all risk policy is purchased through Huntington Block for an annual premium estimated at a not to exceed amount of \$60,500.

The City self-insures for general liability using a Tort Fund administered by the Department of Law. Funding for the Tort Fund is provided through the general fund and water and sewer funds.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 59

The City purchases group life insurance and accidental death and dismemberment coverage through Minnesota Life Insurance Company for City employees based on a fixed rate premium for basic and dependent life insurance, a claim charge for basic and dependent life insurance, and a premium for AD & D insurance.

Primary workers compensation costs are self-insured by the City. As required by State Statute the City purchases an excess policy to pay for any claims in excess of \$500,000 per occurrence. The 2004 premium for this coverage is \$134,402 with Employers Reinsurance.

The City currently utilizes Via Christi/Riverside to provide comprehensive pre-employment physicals on all potential employees to manage and control the risks and costs of the program. The Corvel services are used for claims that require nurse case management and to reprice billings when utilization is through the providers' network. Corvel charges an hourly rate for nurse case management and a percentage of savings for the repricing of City medical bills. The City pays Corvel 25% of the savings Corvel achieve via greater negotiated discounts with medical providers than can be negotiated independently by the City.

The City uses Wichita Clinic Occupational Health as the primary treatment center for workers compensation injuries. It is staffed by a board certified occupational health physician with expertise in treating occupational injuries.

Heartland MRI is used for all imaging services required for diagnosis of work related injuries. The negotiated fee for these services is \$600 per MRI, including the read. This reflects an approximate 50% savings over the State of Kansas mandated fee schedule for these services. All required physical therapy is provided by TheraCare on a negotiated fee structure of 75% of the state mandated fee schedule.

Automobile liability is self-insured by the City. Services of Harrington Appraisals is used to provide damage estimates on claimant's cars and vehicle and salvage valuations on all total losses. The City has also negotiated an insurance rate with Enterprise Rent-A-Car of \$19.99 per day when the City is required to provide substitute transportation while a claimant's vehicle is being repaired.

The premiums for the insurance policies and related programs and services are appropriated in the adopted budget.

Under Purchasing Ordinance 38-122 (h), the Purchasing Manager has the ability to negotiate insurance contracts and associated services on behalf of the City, subject to approval by the City Council.

Motion-- Mayans moved that the 2004 insurance program be approved and the appropriate signatures required for contracts with related vendors at the not to exceed amounts be authorized. Motion carried
--carried 6 to 0, (Gray absent).

HOUSING DEV. LOAN PROGRAM ALLOCATION OF HOUSING DEVELOPMENT LOAN PROGRAM FUNDING.

Agenda Report No. 03-1352

On April 1, 2003, the City Council approved an allocation of \$ 440,700 from the City's 2003-2004 HOME Grant for the Housing Development Loan Program (HDLP), as part of the City's 2003-2004 Consolidated Plan (CDBG/HOME/ESG) funding process. The HDLP is designed to provide subsidies for infill housing projects and to support the development of real estate that is idle or underutilized, and provide needed housing for underserved populations. Funding may be provided to non-profit or for-profit organizations. Loan Structure is dependent upon the type of project to be financed. The program may be utilized in older neighborhoods within the City's Redevelopment Incentives area and adjacent neighborhoods.

Power CDC, Inc., a City-designated Community Housing Development Organization has submitted an application for funding under the HDLP in order to construct 11 single-family homes in the Millair Creek subdivision, which is located near 25th Street North and Minnesota. On October 16, 2001, the

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 60

City Council approved donation of this land to Power CDC, for the development of owner-occupied single-family homes on the site. On May 7, 2002, the City Council approved HOME funding in the amount of \$200,000 to fund the construction of 11 homes, as well as engineering, pre-development and platting expenses. At this point, Power CDC has completed and sold one home, and is in the process of constructing seven other homes. Six of the homes currently under construction are pre-sold. Buyers of the homes receive assistance loans for down payments and closing costs through the City's HOME ownership 80 Program.

The Housing Advisory Board (HAB) considered Power CDC's application during its November 18, 2003 meeting. The HAB voted to approve a recommendation for funding. Based on the success of the development project thus far, and the HAB's recommendation, Housing Services is recommending funding in the amount of \$185,000 from the HDLP in order to provide Power CDC with the opportunity to construct 11 additional homes.

HOME funding will be provided in the form of zero-interest, forgivable development subsidy loans. Proceeds available from the sale of the single-family homes, following repayment of construction loans and payment of developer fees will be repaid to the HOME program.

Funding agreements will be prepared by Housing Services staff and approved as to form with the City Law Department. The project is eligible for funding, under HOME regulations.

Motion--
--carried

Mayans moved that the funding recommendation be approved; staff to negotiate the funding agreement be authorized and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

SIGN PERMIT

AUTHORIZATION TO JOIN IN SIGN PERMIT APPLICATION-RITCHIE COMPANIES. (DISTRICT V)

Agenda Report No. 03-1353

On August 17, 1999, City Council approved the issuance of \$3.8 million of Industrial Revenue Bonds and a 100% 10-year tax abatement on the bond-financed property, for the benefit of Ritchie Companies located at 2872 N. Ridge Road in northwest Wichita. The proceeds of the bonds were used to construct a new national corporate headquarters which consist of 33,000 square feet of new construction attached by a breezeway to 12,000 square feet of pre-existing office space. On November 18, 2003, City Council approved a Resolution consenting to the sub-sublease of a portion of the land to United Bio Energy Partners, L.L.C., ("United") a Kansas Limited Liability company. The Ritchie Companies is now requesting the City to join in a permit application to erect a sign at its location.

The City of Wichita owns the property at 2872 N. Ridge Road and has leased Reserve A, as well as Lot 1, Block 1 in the same addition to MTG, LLC as part of the City of Wichita Industrial Revenue Bonds, Series VIII, 1999. The signage is to indicate the presence of the sub-subtenant United Bio Energy Partners, L.L.C. as approved by City Council on November 18, 2003. There is no financial impact to the City as a result of the request.

Hinkle Elkouri Law, Firm L.L.C., the City's bond counsel, has advised that no special requirements are necessary for the approval of the request.

Motion--
--carried

Mayans moved that the City join in the permit application to erect a sign at 2872 N. Ridge Road be authorized and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

SENIOR MANAG.

SENIOR MANAGEMENT EXPENSE REPORT.

Motion--carried

Mayans moved that the report be approved and filed. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 61

KAN-ED

KAN-ED BROADBAND ENHANCEMENT SUBSIDY.

Agenda Report No. 03-1354

The KAN-ED network has been authorized by the Kansas Legislature as a project of the State Board of Regents to create a broadband technology-based network to which schools, libraries and hospitals may connect for Internet access and intranet access for distance learning. As part of the early initiatives of the program, broadband enhancement subsidies in the amount of \$4,135 have been authorized for every building of every member of the KAN-ED network. The Wichita Public Library is a KAN-ED member and is qualified to receive \$4,135 for each of its nine library locations. Funds are to be used to upgrade broadband connectivity, to pay for Internet connection fees, or to purchase equipment required to make full use of the information services to be delivered through the network.

KAN-ED purchased databases are expanding the information resources available in each Wichita Public Library facility. These tools can also be offered to library customers from their homes, schools and offices through use of the Kansas Library Card. Participation in the KAN-ED network offers the Wichita Public Library the ability to receive training for library customers and staff in conjunction with libraries from throughout the state without the need for travel time and expense.

KAN-ED subsidies are 100% grants with no local funding match required. Two library locations (Central Library and Alford branch) pay for public access Internet access. These fees will be offset by the respective building subsidies. In the remaining locations, public Internet access is available at no charge through the Cox Communications' Project K.I.D.S. In the facilities, network equipment that is nearing "end of life" maintenance cycles or which needs to be replaced in order to provide consistency with City information technology standards and support requirements will be purchased with the funds. The Library's Board of Directors has reviewed the KAN-ED procedures and approved acceptance of the subsidies for use as outlined above during its October 21, 2003 meeting.

Motion--
--carried

Mayans moved that the subsidies be accepted and the establishment of the grant budget as approved by the Library Board of Directors be authorized. Motion carried 6 to 0, (Gray absent).

LIMOUSINE SERV.

APPROVAL OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR MR. CHRISTOPHER A. YOKLEY d/b/a GOD'S SPEED FLIGHT, INC. LIMOUSINE SERVICE.

Agenda Report No. 03-1355

On November 19, 2003, Wichita Transit staff received an application from Mr. Christopher Yokley d/b/a God's Speed Flights, Inc. Limousine, for a Certificate of Convenience and Necessity to operate a chartered limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees names for police records check purposes and vehicle inspection report. This company currently has two limousines.

If approved for a license, K&L Limousine will become the ninth licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Mr. Christopher A. Yokley d/b/a God's Speed Flights, Inc. Limousine. Approval is pending.

Motion--
--carried

Mayans moved that the Certificate of Convenience and Necessity for Mr. Christopher A. Yokley to operate God's Speed Flights, Inc. Limousine with up to three (3) vehicles in Wichita, Kansas be approved. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 62

CDBG

AMENDMENT TO CDBG AGREEMENT AND PROMISSORY NOTE-EATON PLACE.

Agenda Report No. 03-1356

In 1998 the City entered into a public-private partnership to renovate the Eaton Hotel, as well as a new construction component, into a downtown housing complex. The financing included industrial revenue bonds as first mortgage financing, developer equity, historic and low income housing tax credits, and City CDBG and HOME funds. As a part of the financing package, the City provided a \$424,000 CDBG grant.

On December 21, 1999 the City Council approved the modification of a \$424,000 CDBG grant to a five-year, zero interest forgivable loan. The CDBG promissory note requires MetroPlains L.L.C. to certify that the average occupancy of the residential units meet ninety percent (90%), in order to receive the benefit of the annual forgivable loan installment of \$84,800. The occupancy rate requirement was based on 1999 economic conditions. MetroPlains established the occupancy rate to meet Low Income Housing Tax Credit standards.

Because of the economic down turn, MetroPlains has requested that the occupancy rate requirement be lowered to eight-five percent (85%) and that the rate will be applied retroactively to January 1, 2001 to accommodate Low Income Housing Tax Credit requirements.

There is no change in the amount of approved CDBG funding for this project.

Motion--
--carried

Mayans moved that the contract and promissory note amendment be approved and all the necessary signatures be authorize. Motion carried 6 to 0, (Gray absent).

BUDGET ADJUST.

BUDGET ADJUSTMENT-SEWER UTILITY BAD DEBT.

Agenda Report No. 03-1357

At the close of each fiscal year, delinquent water and sewer accounts receivable deemed uncollectible are recorded as bad debt expenses to the Water and Sewer Utilities in accordance with generally accepted accounting principles. The budgeted 2003 allocation for bad debt expense in the Sewer Utility is \$250,000 less than required write-offs. Bad debt expenses were higher in 2003, due to an accumulation of accounts for write-off from the prior year associated with the implementation of a new billing system.

Final bad-debt estimates have been calculated for 2003 and a budget adjustment is needed to record bad-debt expense in the Sewer Utility. Since the write-off amount is larger than currently available contractual authority, funds need to be transferred into the Sewer Utility contractual accounts. The transfer will be done within the existing total budget authority for the Utility, so the transfer will not change the bottom-line 2003 Sewer Utility budget allocation.

The requested adjustment will move \$250,000 into the Sewer Administration contractuals budget. Funding is available due to under expenditures in the 2003 Revised Sewage Treatment and Sewer Maintenance budgets. The Finance Department concurs with the Water & Sewer Department assessment.

Budget adjustments over \$25,000 require City Council approval.

Motion--carried

Mayans moved that the budget adjustment be approved. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 63

GO BOND/NOTES

GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 210); GENERAL OBLIGATION BOND SALE (SERIES 776 & 777) GENERAL OBLIGATION TIF BOND SALE (SERIES 957)

Agenda Report No. 03-1358

The City is planning to offer for sale one series of general obligation temporary notes totaling \$92,810,000, two series of general obligation bonds totaling \$23,575,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and one series of general obligation bonds totaling \$4,980,000 for the purpose of providing permanent financing for Tax Increment Finance (TIF) related projects of the City. The public sale of the aforementioned bonds and notes is scheduled for 10:30 a.m. on January 13, 2004, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates will result in the lowest overall cost to the City.

The City's Winter 2004 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 210 Temporary Improvement and Renewal Notes will be used to provide interim financing for various City-at-large and improvement district projects:

Series 210	
Project Category	Total
Arterial Paving	2,365,000
Bridges	30,000
Traffic Engineering	285,000
Public Improvements	20,309,000
Park Improvements	100,500
Neighborhood Improvements - Water	3,408,000
Neighborhood Improvements – Sewers	8,803,500
Neighborhood Improvements - Storm Sewer	6,134,000
Neighborhood Improvements - Paving	14,959,000
Storm Sewer Utility Improvements	416,000
Freeways	36,000,000
TOTAL SERIES 207 NOTES	\$92,810,000

“Special Assessment Bonds”

The proceeds from the sale of Series 776 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 776 Bonds. The Special Assessment Bonds will be issued in the total par amount of \$13,390,000.

“City-At-Large Bonds”

The proceeds from the sale of Series 777 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, public improvements and buildings, park improvements, and neighborhood paving projects and neighborhood storm sewer improvements. City-at-large Bonds will be issued in the total par amount of \$10,185,000.

“Tax Increment Finance (TIF) Bonds”

The proceeds from the sale of the Series 957 Bonds, herein referred to as the “TIF Bonds” will be used for public improvements located within the Old Town Cinema II Tax Increment Financing Districts. Kansas Statutes allow for cities to finance public development or redevelopment of blighted areas, conservation areas, or areas designated as enterprise zones with incremental real estate taxes. Tax increment funds collected within each defined area will be used to pay all or a portion of the costs of the projects located within the TIF district.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 64

Beginning in 2001, the sale of bonds and notes are awarded based on the bid with the lowest true interest cost, or "TIC". Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 210 Temporary Notes will mature on August 19, 2004 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

Series 776 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 776 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The special assessment bonds will be callable in 2011 with a 1% call premium.

Series 777 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from city-wide ad valorem tax revenues. The City-at-large bonds will be callable in 2009 with a 1% call premium.

The Series 957 TIF Bonds will mature serially over 15 years with principal maturities structured to produce payments, which fall within the net tax increment revenue stream. The Series 957 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 957 TIF Bonds will be callable in 2011 with a 1% call premium.

The Law Department has approved the Resolution authorizing the sale of the series of temporary notes and the series of bonds and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Council as required by law).

Motion--

Mayans moved that the resolutions authorizing general obligation bond and note sales be adopted; the submittal of the Preliminary Official Statement upon completion be approved and the publication of the Notices of Sale be authorized. Motion carried 6 to 0, (Gray absent).

--carried

RESOLUTION NO. 03-663

A Resolution of the City of Wichita, Kansas authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes Series 210 and General Obligations Bonds, Series 776, Series 777, and Series 957; and providing for the giving of notice of public sale, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

PARK PROJECTS

PARK ATHLETIC COURTS, PARKING LOTS/ENTRY DRIVES AND LIGHTING.

Agenda Report No. 03-1359

The Park and Recreation Department has facility needs. In order to maximize Capital Improvement Program (CIP) dollars, several projects previously administered separately are proposed to be combined. The combination will produce a larger pool of resources to address the many priorities. The City has a number of athletic courts in need of major repair or replacement. These include basketball/multi-use courts, along with croquet, horseshoe, shuffleboard, tennis and tetherball courts. Community Development Block Grant (CDBG) and CIP funds over the past several years have allowed replacement of numerous deteriorating asphalt courts with post-tension concrete courts. The concrete courts are expected to provide a higher level of service for Park patrons while requiring less maintenance.

City code requires the paving of parking lots and entry drives in City Parks. In addition, parking lots and drives to a number of Park Department facilities and sites are in need of major reconstruction. Facilities and sites impacted include recreation centers, swimming pools, athletic fields and parks. Paving projects are developed and completed in coordination with the Public Works Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 65

Public safety improvements at Park facilities include improved lighting, both inside and outside. Improving lighting in parking lots and around City facilities will help to ensure the safety of Park users. Lighting improvements are coordinated with the Public Works Department.

The proposed 2004 – 2013 CIP includes funding in 2004 to repair, remove, or construct athletic courts across the city; to pave and reconstruct parking lots and entry drives; and to place outdoor lights in new and existing parks and replace damaged light fixtures at parks, park facilities and recreation centers.

The proposed 2004 capital budget includes \$580,000 to address athletic court, paving and lighting needs. The funding source is General Obligation bonds.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; the initiation of the project and all necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-654

A Resolution authorizing park athletic courts, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

PARK FACILITIES

PARK FACILITIES RENOVATION.

Agenda Report No. 03-1360

The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation.

The 2004 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities (P-391001, p. 217). Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Preliminary plans include, but are not limited to, improvements at two recreation centers, replacement fencing at various athletics venues, and replacement and installation of grills, tables, benches, and bleachers at numerous sites.

The 2004 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Motion--
--carried

Mayans moved that the resolution be adopted; initiation of the project be authorized; and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-655

A Resolution authorizing park facilities renovation, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

PATHS/SIDEWALKS

PARK PATHS AND SIDEWALKS.

Agenda Report No. 03-1361

The Park and Recreation Department is responsible for ensuring that the City's park paths and sidewalks comply with ADA requirements, meet the requirements of awarded matching grants, and provide for the safety of park users.

The 2004 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in city parks (P-390011, p. 223). Funding will provide for necessary installations and safety improvements at a number of parks located across the city.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 66

The 2004 Park CIP includes \$40,000 for the construction and repair of paths and sidewalks in city parks. The funding source is general obligation bonds.

Motion--
--carried

Mayans moved that the resolution be adopted; initiation of the project and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-656

A Resolution authorizing park paths and sidewalks, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

LEPP GRANT

LOCAL ENVIRONMENTAL PROTECTION PROGRAM (LEPP) TARGET GRANT FUNDING.

Agenda Report No. 03-1362

On December 10, 2002, the Council authorized the Department of Environmental Health to apply for a SFY 2003 Local Environmental Protection Program (LEPP) Target Grant from the Kansas Department of Health and Environment (KDHE) to support certain water quality projects and activities in excess of the existing LEPP base grant. KDHE awarded a SFY 2003 Target Grant to the City of Wichita for \$27,000 through that program. The City has the approval from KDHE to revise the scope and schedule of the grant, and the funds are available for the intended project.

The LEPP Target grant funds were awarded for programs to enhance the current local water quality effort by providing funding for contract services to determine and document the condition of priority unsewered areas of the City of Wichita. Work performed for the grant will be extended into SFY 2004.

The SFY 2003 Target grant is for \$27,000. It does not require matching funds, and is authorized by KDHE to be extended into SFY 2004.

By interlocal agreement between the City and County, the City is responsible for implementation of the City of Wichita Target grant.

Motion--
--carried

Mayans moved that the available funds be accepted and implementation of the grant program be authorized. Motion carried 6 to 0, (Gray absent).

SURPLUS PROP.

SALE OF SUPPLUS PROPERTY:LOCATED AT 432-434 SOUTH BELMONT. (DISTRICT II)

Agenda Report No. 03-1363

An offer has been received for the City-owned property at 432-434 South Belmont. The property has 7,556 square feet and is developed with a 2,388 square foot brick duplex. The residence is brick constructions with a unit upstairs and downstairs. Each unit has two bedrooms and one bath. There is an unfinished basement and a detached two-car garage, which is in poor condition. The property was acquired for the Kellogg/Oliver Interchange project.

The property value has been estimated by a broker at \$116,000. The property was offered in the recently completed marketing program with the highest offer being \$65,000. The buyer has offered \$110,000. The property is being sold "as-is" with the buyer responsible for all repairs and inspections. The buyer intends to renovate the property and use it as a rental property.

The City will receive cash consideration from the sale of the property at closing.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 67

**PROPERTY DISP. SALE OF SURPLUS PROPERTY LOCATED ADJACENT TO 310 WEST CENTRAL.
(DISTRICT VI)**

Agenda Report No. 03-1364

The owners of 310 West Central offered to acquire a 3,721 square foot parcel of City-owned land adjacent to their property. They have been utilizing the parcel since 1983 under a Minor Street Privilege Permit. The site has been landscaped and incorporated into their parking lot.

The owners have offered \$18,605 (\$5.00 per square foot). This equates to the appraised value of the City owned parcel at the southwest corner of Central and Waco, diagonal from this site, which was appraised at \$3.00-to-\$5.00 per square foot.

The City will receive cash consideration from the sale of the property at closing and the tract will return to the tax rolls.

Motion-- Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures be
--carried authorized. Motion carried 6 to 0, (Gray absent).

**RESOLUTIONS RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM FEDERAL
TRANSPORTATION ADMINISTRATION.**

Agenda Report No. 03-1365

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for federal funds under Section 5309, which is a discretionary capital investment program, typically for bus and bus facilities. In FY 2002, Wichita was awarded \$898,946 in federal funds. These allocations were sought primarily for purchasing replacement vehicles for WT's four 1991 Flixbus coaches, as well as associated equipment. Section 5309 is an 80% federal, 20% local match grant program.

The proposed Resolution authorizes funding to support Wichita Transit's vehicle replacement plan of four 35' Flixbus coaches that have exceeded their useful life with two 35' coaches and two 30' trolley coaches. This Section 5309 grant will complete the federal funding necessary to account for 80% of the total coach procurement project. This grant will support the purchase of four coaches and associated support equipment, and project administration and bus line inspection costs.

FY 2002 federal funding allocations equal \$898,946 (80% of project). Total grant budget necessary to complete Wichita Transit's bus purchase plan is \$1,123,682. Local match of \$224,736 (20% of project) will be provided by Kansas Department of Transportation funding. These projects are included in the CIP.

Motion-- Mayans moved that the Resolution be adopted and the necessary signatures be authorized. Motion
--carried carried 6 to 0, (Gray absent).

**5307 GRANT FTA RESOLUTION AUTHORIZING SECTION 5307 GRANT FROM FEDERAL
TRANSPORTATION ADMINISTRATION.**

Agenda Report No. 03-1366

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for CY 2004 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2004 is estimated at \$4,008,000. An opportunity will be provided for a public

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 68

hearing and other public input on December 15, 2003. Section 5307 is an 80% federal, 20% local match program.

The proposed Resolution authorizes funding to support the following:

- safety and security programs;
- facility improvements and renovations;
- maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses; and
- planning and training activities.

Total grant budget is \$3,072,839; eighty percent federal share is \$2,458,271. The City of Wichita will fund the local share (\$614, 568). Wichita Transit will have \$1,542,529 in carryover of FY 2004 federal funds for future projects. These projects are included in the CY 2004 Budget and CIP.

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures be authorized.
Motion carried 6 to 0, (Gray absent).

RESOLUTION NO. 03-665

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended, to support FY2004 Section 5307 Projects, presented. Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 2, 2003).

- a) Change Order Policy Charter Ordinance.

CHARTER ORDINANCE NO. 198

A Charter Ordinance amending Section 1 of Charter Ordinance No. 196 pertaining to the methods of building public improvement projects and repealing the original of Section 1 of Charter Ordinance 151 and Charter Ordinance No. 196, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

(Agenda Item #61b)
IRB-LEE AERO.

- b) Industrial Revenue Bonds-Lee Aerospace, Inc. (District II)

Council Member Martz momentarily absent.

Allen Bell

Director of Economic Development reviewed the item. Explained that Lee Aerospace has made a request that the City waive the IRB policy that requires a pre-payment bond and a pre-payment and allow them to post the letter of credit in the amount not less than one million dollars. Stated that the situation is that the IRB policy requires the pre-payment amount and the bond whereas Charter Ordinance No. 177 of the City, allows a waiver of that pre-payment and bond and allows a letter of credit to be substituted for that. The action that will need to be taken would be to waive the IRB policy and allow Lee Aerospace to submit a letter of credit not less than one million dollars. This will save them about \$10,000 in costs and will provide the needed protection for the City regarding this issue.

Motion--

Schlapp moved to adopt the ordinance and waive the Industrial Revenue Bond policy to allow the substitution of a bank letter of credit in the amount not less than one million dollars in the place of construction payment and performance bond and authorize the necessary signatures. Motion carried 5 to 0, (Martz momentarily absent, Gray absent).

--carried

ORDINANCE NO. 45-939

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 69

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series X, 2003 in the aggregate principal amount of \$1,200,000 for the purpose of providing funds to finance the cost of acquiring, constructing and equipping a new building to be used as part of an existing manufacturing facility; prescribing the form and authorizing execution of a Second Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, St. Louis, Missouri, as Trustee with respect to the 2003 Bonds; prescribing the form and authorizing the execution of a First Supplemental Lease by and between Lee Real Estate, LLC and the City; approving the form of a First Supplemental Sublease Agreement between Lee Real Estate, LLC and Lee Aerospace, Inc.; approving the form of a Guaranty Agreement by and among Lee Real Estate, LLC, as Guarantor, the trustee and the purchaser of the 2003 bonds; approving the form of an Individual Guaranty Agreement by and among James E. Lee and Summer C. Lee, as individual Guarantors, the Trustee and the Purchaser of the 2003 Bonds; authorizing the execution of a bond placement agreement by and between the City, Lee Real Estate, LLC, and Intrust Bank, N.A., as purchaser of the Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Lambke, Schlapp, Mayans, (Martz momentarily absent and Gray absent).

c) Industrial Revenue Bonds - Cessna Aircraft Company.

ORDINANCE NO. 45-940

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series XI, 2003 (Cessna Aircraft Company), in the original aggregate principal amount of not t exceed \$55,300,000 for the purpose of purchasing, acquiring constructing and installing an Industrial and Commercial Facility; authorizing execution of a thirteenth Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, St. Louis, Missouri, as Trustee with respect to the Series XI, 2003 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a Thirteenth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and authorizing execution of a Bill of Sale, Termination and Release of Second Supplemental Lease and Cancellation Discharge and release of Second Supplemental Trust Indenture, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

d Industrial Revenue Bonds - Bombardier Learjet. (District V)

ORDINANCE NO. 45-941

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$1,110,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Seventh Supplemental Trust Indenture by and between the City and BNY trust Company of Missouri, St. Louis, Missouri (successor Trustee to Intrust Bank, N.A., Wichita, Kansans (the "Trustee"), as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Seventh Supplemental Lease by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

e) Failing to yield to an emergency vehicle.

ORDINANCE NO. 45-956

An Ordinance amending Section 11.16.100 of the Code of the City of Wichita, Kansas, pertaining to the duty of a driver upon approach of an authorized emergency vehicle, and repeal of the Original Section 11.16.100, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 70

- e) 119th Street West improvement, 17th to 21st Street. (District V)

ORDINANCE NO. 45-948

An Ordinance declaring 119th Street West, between 17th Street and 21st Street (472-83890) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

- f) Rock Road improvement between 21st and 29th Streets. (District II)

ORDINANCE NO. 45-949

An Ordinance declaring Rock Road, between 21st Street and 29th Street (472-83889) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

- g) Murdock Bridge improvement at the Little Arkansas River. (District VI)

ORDINANCE NO. 45-950

An Ordinance declaring the Murdock Bridge over the Little Arkansas River (472-83895) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

- h) Franchise Agreement - Brooks Fiber Communications of Missouri, Inc.

ORDINANCE NO. 45-951

1. An Ordinance of the City of Wichita, Kansas, granting to Brooks Fiber Communications of Missouri, Inc., the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City of Wichita; and prescribing the terms of said grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

ORDINANCE NO. 45-952

2. An Ordinance of the City of Wichita, Kansas, granting to Brooks Fiber Communications of Missouri, Inc., A telecommunications Local Exchange Service Provider, a Contract Franchise for the providing of local exchange service in the City of Wichita; and prescribing the terms of said Grant and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent).

- i) ZON2002-00074-generally located south of 29th Street North and east of Ridge Road. (District V)

ORDINANCE NO. 45-953

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 71

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent). ZON 2002-00074

j) ZON2003-00054-northeast corner of Maple and 135th Street West. (District V)

ORDINANCE NO. 45-954

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent). ZON 2003-00054

k) ZON 2003-39 - south side of 21st Street North and on the east side of K-96 Expressway. (District II)

ORDINANCE NO. 45-955

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans, (Gray absent). ZON 2003-39

BUDGET

AN ORDINANCE APPROPRIATING THE 2004 BUDGET; RATIFYING THE PAYMENT OF ALL CLAIMS AGAINST THE 2003 BUDGET.

Agenda Report No. 03-1367

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for the fiscal year 2004 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2003 are also required to be authorized, ratified and approved.

There are no financial Considerations.

Motion --

Mayans moved that introduction and passage of the Ordinance be approved. Motion carried 6 to 0, (Gray absent).

ORDINANCE 45-957

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the account. Mayans moved that the Ordinance be passed on first reading. Motion carried 6 to 0. (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 72

PLANNING AGENDA.

Council Member Fearey momentarily absent.

Motion--carried

Mayans moved to approve Planning Agenda items 65 through 75. Motion carried 5 to 0, (Fearey momentarily absent and Gray absent).

CUP2003-52

CUP2003-52 DP268-ASSOCIATED WITH ZON2003-50-THE CREATION OF THE HOLLAND COMMERCIAL COMMUNITY UNIT PLAN AND ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF KELLOGG AND TYLER ROAD. (DISTRICT V)

John Schlegel

Planning Director reviewed item.

Agenda Report No. 03-1370

The applicant is requesting to create DP-268 Holland Commercial Community Unit Plan, which would be an approximately 12-acre development with eight parcels for commercial use. The applicant is also requesting a zoning change from "SF-5" Single-family Residential and "LC" Limited Commercial zoning to "GC" General Commercial for the CUP site; ZON2003-50.

NOTE: THE CITY OF WICHITA OWNS TWO OF THE PARCELS WITHIN THE APPLICATION AREA. THESE ARE LOTS 1 & 2, SCHNIEPP ADDITION, LOT 1 IS ZONED "LC" LIMITED COMMERCIAL AND LOT 2 IS ZONED "GC" GENERAL COMMERCIAL. THE CITY ALSO OWNS LOT 3, SCHNIEPP ADDITION, WHICH IT ACQUIRED THROUGH EMINENT DOMAIN AND IS ZONED "GC" GENERAL COMMERCIAL. THESE PARCELS ARE UNDER CONTRACT FOR SALE TO HOLLAND VENTURES LLC. THIS INFORMATION WAS OVERLOOKED BY STAFF WHEN THE APPLICATION WAS HEARD BY THE MAPC AND HENCE, NO NOTICE OF THE CITY'S OWNERSHIP WAS GIVEN IN THE NOTIFICATION TO THE NEARBY PROPERTY OWNERS. THE CITY'S LEGAL DEPARTMENT HAS DETERMINED THAT THE ERROR WAS MADE INADVERTENTLY AND DID NOT AFFECT THE VALIDITY OF THE APPLICATION.

The application area is bounded by road frontage on all its sides: Kellogg Drive on its south, Tyler Road on its east, Belview Avenue on its north, and Byron Avenue on its west. The south portion of the site, running parallel with Kellogg Drive, is zoned "LC" and "GC". This portion is platted as Lot 1, Block 1, the Payday Addition and Lots 1 & 2, Block 1, the Schniepp Addition. It has an active retail strip (restaurant and retail space) with frontage on both Tyler and Kellogg Drive. The rest of this south portion of the site is undeveloped. The west, northwestern and middle portion of the site has been platted as Lots 1-7, Block D, Westport Addition and is zoned "SF-5". Lots 1, 2, 6 & 7, along Byron & Belview Avenues, have single-family residences on them. Lot 5, on Byron, is not developed. Lots 3 & 4 (the middle portion along Belview) are not developed. The remainder of the site, south of the Tyler – Belview intersection, consists of two unplatted tracts. The corner tract is developed with a single-family residence, while the tract south of it is not developed. There is an undeveloped portion of Dubon Avenue, running parallel to Kellogg Drive, which separates the site's south portion along the Kellogg Drive frontage from most of the rest of the site. This portion of platted, undeveloped Dubon ends approximately 300-feet short of Tyler, up against the previously mentioned active retail strip. There is a 50-foot wide drainage easement running north – south running through the middle of the site.

Properties south of the site and across Kellogg Street/US 54 are zoned "GC" or "LI" Limited Industrial and are developed with fast food, retail strips, auto repair, motels-restaurants, self-storage and manufacturing (including Lear Jet, approximately 1/3 mile south) mixed with some vacant land. Lots to the west and north, across Bryon & Belview, are zoned "SF-5" Single-family Residential and developed as single-family residential and a church. Land to the east, across Tyler, is zoned "LC & "GC" and developed with a convenience store, a bank, shopping center and a Home Depot.

The CUP shows a maximum building coverage of 30%; the floor area ratio is 32%. Maximum height is 35 feet. The CUP also includes provisions for landscaping per the Landscape Ordinance of the City of Wichita. Lighting is per the UZC, shielded & directed downward onto the site and limited to 25 feet in

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 73

height. Architectural, material, texture and color compatibility is proposed among the tracts. Requested signage exceeds standard City of Wichita signage requirements. The applicant proposes 4 points of access onto Kellogg Drive, 2 onto Tyler Road and 1 onto Belview Avenue. A Traffic Impact Study is required for this CUP. Issues addressed in the traffic study will include access control, dedications, turn lanes, accel/decel lanes and any improvements or redesign applied to Belview, Tyler or Kellogg Drive will have to be approved by the Traffic Engineer. Contingent dedication of ROW along Tyler needs to be retained.

Uses proposed to be excluded are: adult entertainment; nightclub; tavern and drinking establishment; correctional placement residences, limited and general; and warehouse, self-storage.

The MAPC deferred this case at their October 23, 2003 meeting to allow the applicant and the neighborhood more time to resolve issues regarding the proposed CUP and the zoning change request. DAB 5 considered this case at their November 3, 2003 meeting and deferred recommendation to allow the applicant and the neighborhood more time to resolve issues regarding the proposed CUP and the zoning change request. There was opposition to the proposed CUP and the zoning change at the DAB V meeting. The MAPC at their November 6, 2003 meeting recommended APPROVAL of CUP2003-52 and ZON2003-50 subject to platting within one year, subject to the General Provisions as listed on the CUP and subject to the following modified General Provisions and conditions. There was opposition to the proposed CUP and the zoning change at the MAPC meeting.

- A. APPROVE the zone change (ZON2003-00050) to "GC" General Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-268), subject to the general Provisions as listed on the CUP and the following modifications to the General Provisions:
 - 1. General Provisions #5 & #21 shall be amended and combined as follows: A Traffic Study is required for this CUP. Issues addressed in the traffic study will include access control, dedications, turn lanes, accel/decel lanes and any improvements or redesign applied to Belview, Tyler or Kellogg Drive will have to be approved by the Traffic Engineer. Contingent dedication of ROW along Tyler needs to be retained. Consideration will include the raised median strip scheduled to go on Tyler. No access onto Belview.
 - 2. General Provision #10 shall be amended as follows: "Trash receptacles shall have solid screening to hide them."
 - 3. General Provision #11 should be amended to indicate that rooftop equipment should also be screened from view from residential areas and adjoining rights-of-way.
 - 4. General Provision #13 shall be amended to prohibit: search lights, banners, portable signs, moving signs and off-site signs. Signs shall be no taller than 25-feet.
 - 5. General Provision #14 shall be amended as follows: " Total square footage allowed for signage per parcel, shall not exceed 80% of the frontage per parcel. No individual sign shall exceed 300 square feet."
 - 6. Correct General Provision #18 as follows: take out reference to "Woodlawn" and insert "Tyler."
 - 7. Thirty-five foot setbacks shall be established along the north and west sides of Parcel 1. Thirty-five foot setbacks will remain in place along south and east sides of property.
 - 8. All property included within this C.U.P. and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 - 9. Excluded uses on Parcels 1 shall also include no rehabilitation services, no kennels, no outdoor recreation facilities, no automotive vocational schools, no vehicle storage yards, no loudspeakers. Add

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 74

that any motel or motel on the CUP cannot have windows facing the north or west residential areas. Add that all vehicle repair shall be done indoors only

10. Amend General Provision #16 to read "landscaping shall be 1 ½ times the landscape plan requirement, evergreens shall be used in the landscape buffer and all existing mature trees within the landscape buffer shall be kept and incorporated into the landscape plan when possible.

11. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-268) includes special conditions for development on this property.

12. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

DAB V re-considered this case at their December 1, 2003 meeting. There was opposition to CUP2003-52 & Zon2003-50 at the DAB V meeting citing traffic and drainage concerns. DAB V recommended approval of the CUP per the MAPC's recommendations with additional recommendations.

- (a) General Provision #22 to read, "A masonry screen wall 8-feet in height..."
- (b) No access onto Byron Avenue
- (c) Prior to the Final Plat going to the Wichita City Council it must be presented to the DAB along with the approved Drainage Plan for consideration.
- (d) Add to General Provision #22 "The applicant must have a Professional Engineer certify that the site has been graded according to the approved Drainage Plan.

There has been recorded protest of 68.95% of the net area to the proposed CUP and the zoning change request. A ¾ majority vote of the WCC must be obtained to override the protest.

Motion--

Martz moved to concur with the findings of the MAPC and approve the zone change and the C.U.P. subject to the recommended conditions and with the modifications from DAB V of December 1, 2003: a masonry screening wall of eight feet v. six feet; no access on Byron Avenue; before the final platting comes back before the City Council, it must be presented back to the DAB along with the approved drainage plan for consideration and allowing the possibility of a right turn only access on to Bellevue if warranted by the traffic study and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Gray absent).

--carried

CUP2003-56

CUP2003-56 DP270- ASSOCIATED WITH ZON2003-55-CREATE DP270 ASHLEY PARK TOWNE CENTRE COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF MAPLE, APPROXIMATELY ¼ MILE WEST OF RIDGE ROAD. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 03-1371

The applicant is requesting to create DP-270 Ashley Park Towne Centre Commercial Community Unit Plan, and to rezone the 18.6 acre tract to "LC" Limited Commercial. Currently it is zoned "SF-5" Single-family Residential, "B" Multi-family Residential, and "GO" General Office. The property is located between Maple and University Avenue approximately ¼ mile west of Ridge Road. The development would consist of four parcels for retail and commercial use. Parcel 1, the main parcel, would be 15+ acres. It abuts University Avenue and has a short amount of frontage onto Maple. The remaining frontage on Maple would consist of three one-acre parcels.

The C.U.P. would eliminate many of the "LC" Limited Commercial uses allowed in the "LC" district, including residential uses; daycare; pawnshops; second-hand stores; taverns; night clubs; drinking establishments; adult entertainment, tattooing and body piercing; correctional placement residences; group homes; recycling collection stations; asphalt or concrete, limited; manufacturing, limited; mining

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 75

or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; and all industrial uses. Restaurants would be permitted, provided that drive-up window service or in-vehicle service would not be permitted. Vehicle repair, limited, would be permitted on Parcel 1 but be restricted to no overhead doors facing residential zoning, no outdoor storage of parts or vehicles, and no parking of vehicles for service for over 36 hours. Parcels 2-4 along Maple would further prohibit car washes, convenience stores with gas islands, and vehicle repair, limited.

Maximum building coverage and maximum gross floor area are proposed as 20 percent for Parcel 1, which is below the C.U.P. maximum building coverage limit of 30 percent and a lower level than typically requested. Maximum building coverage and maximum gross floor area are proposed for 30 percent for Parcels 2-4. Maximum building height is 35 feet, and building setbacks are 35 feet along the north, west, and south.

The C.U.P. includes provisions for landscaping per Landscape Ordinance of the City of Wichita, with the addition of defined buffer zones on the north (Maple), west (interior) and south (University) property lines. The C.U.P. requires pedestrian and vehicular connectivity. Lighting is limited to 25 feet in height for the northern portion of the property along Maple and 38 feet for the remainder of the tract. A screening wall is required along the property line bordering the elementary school, and the applicant has agreed to increase the height of this wall to 8 feet in height. The C.U.P. calls for architectural compatibility among the buildings. Screening of trash receptacles and mechanical equipment is to be with materials similar to the main buildings.

Signage would be per standard City of Wichita signage, but it is more restrained in height and size along Maple. One monument sign, limited to 15 feet in height and 100 square feet in size, is allowed for Parcels 2-4 each. One center identification monument sign, limited to 20 feet in height and 150 feet in size, is allowed for Parcel 1. One ground sign on University would be limited 35 feet in height and 150 feet in size. Wall signs for a corporate logo extending slightly above the roofline are requested on the north, east and south elevations.

The surrounding area is distinctly different in each direction. The area to the north is a single-family development, zoned "SF-5", Ashley Park. A nonconforming retail business also is located on the north side of Maple. The area to the west is zoned "SF-5" but is occupied by Mary Benton Elementary School. The area to the south of University Avenue is zoned "LC" and "GC" General Commercial. It is developed with large business service types of uses, and several tracts remain vacant. This business district separates the subject tract from Kellogg, which is perhaps the most intensively developed commercial corridor in the urban area. A drainage ditch adjoins the property on the east; and Lowe's is located between the drainage ditch and Ridge Road. The Lowe's tract is zoned "LC" and "GC".

A "Traffic Study" (Wichita West Target Traffic Study, November 2003, Professional Engineering Consultants, P.A.) analyzed trip generation by the Ashley Park Towne Centre site, trip distribution on major and minor streets, existing and projected traffic, and traffic impacts and improvements needed. According to the Traffic Study, 50 percent of the traffic going to the site would be drive-by traffic, that is, traffic already on the facility. Addressing trip generation from the east and west, there would be an additional 172 and 205 trips east and west on Maple in the 5:00-6:00 p.m. weekday peak period. With the existing traffic hourly volume of 2,300 vehicles in the east/west direction on Maple at the Target site, this is an approximate nine percent increase in flow, which may not be discernable to motorists on Woodchuck. Improvements recommended for Maple based on this traffic study were traffic signalization on Maple at Ashley Park, lane configuration with a left-turn lane and right-turn accel/decel lane across the site. No improvements were recommended for the Maple and Ridge intersection or the University/Ridge intersection.

The Traffic Study recommended consideration of eliminating parking along University, which is a nonresidential street 41 feet in width. Without the parking, University is sufficiently wide to have three lanes, with one being used as a center left-turn lane. The proposed site plan eliminates the need for Holland Lane between Maple and University. This street right-of-way would need to be vacated as part of platting.

The safety of children walking to Mary Benton Elementary also has been considered. The Traffic Engineer recommended signage designating the pedestrian crosswalk, ensuring clear sight distances

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 76

with no shrubbery/trees limiting the view of pedestrians, pedestrian signal phasing, and providing a center "refuge" in the entrance island. Other normal public services are available.

At the MAPC meeting held on November 20, 2003, a group of citizens were present to speak in opposition. Concerns expressed by citizens were: adding traffic to Ashley Park north of Maple, close proximity of a large retail business to the Ashley Park neighborhood and to an elementary school, concerns for children walking to school. Three letters of support were received and distributed at the MAPC hearing. Also, two letters of opposition were included. MAPC voted (10-1) to approve subject to staff recommendation with the additional condition added by the applicant to reduce building coverage to 135,000 (0.20 FAR) for Parcel 1. Recommendations are given below, with the addition of Condition #8, which was added by the applicant at the District V Advisory Board meeting.

At the District V Advisory Board meeting held on December 1, 2003, citizens were again present to speak in opposition, citing the same concerns of traffic, safety of children, and proximity of the retail uses to the neighborhood and elementary school. One citizen spoke in favor of the request. The applicant offered to increase the height of the screening wall between Mary Benton Elementary and the site to eight feet in height. The District V Advisory Board voted (5-1) to approve subject to MAPC recommendation with the additional condition.

Since the hearing, two additional letters in opposition have been received and are included in this packet. In addition, protests of 19.92 percent have been received. This is below the 20 percent threshold invoking a supermajority approval by the Wichita City Council.

MAPC recommendation with the addition of Condition #8 is that the request be APPROVED, subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00055) to "LC" Limited Commercial;
- B. APPROVE the Community Unit Plan (DP-270), subject to the following conditions:
 - 1. Upon completion of platting, request an administrative adjustment to DP-37 to remove the area comprising DP-270 from DP-37 Ridge Plaza C.U.P.
 - 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 - 3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 - 4. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 - 5. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-270) includes special conditions for development on this property.
 - 6. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
 - 7. Change Parcel 1 as follows: "Maximum Building Coverage - 135,000 square feet; Maximum Gross Floor Area - 135,000 square feet; Floor Area Ratio - 0.20
 - 8. Increase the height of the screening wall on the west property line to eight feet in height.

Motion--

Martz moved to concur with the findings of the MAPC; the zone change and creation of DP-270 C.U.P. subject to platting within one year and the recommended conditions be approved; and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Gray absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 77

DR2003-26

DR2003-26-PROPOSED AMENDMENTS TO “UNIFIED ZONING CODE” TO PERMIT A “DENTAL LABORATORY” AS A HOME OCCUPATION AND TO ADD “WAREHOUSING” AND “MUSEUMS” TO THE LIST OF USES CONTAINED IN THE OFF-STREET PARKING SCHEDULE AND ESTABLISH THE MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR THESE USES.

Agenda Report No. 03-1372

Earlier this year the Metropolitan Area Planning Commission (MAPC) requested planning staff to amend the “Unified Zoning Code” to allow a “dental laboratory” as a permitted home occupation use. The MAPC made this request to staff in response to a citizen who operates a dental lab to manufacture dentures in his home. The citizen was able to demonstrate that he could comply with all home occupation regulations except that “medical services” were specifically prohibited as a home occupation.

Since amendments were proposed to the UZC, staff felt this was an appropriate time to address other needed minor amendments to the code dealing with parking standards. The second proposed amendment would specifically list “warehousing” and “museum” uses in the parking standards, and establish minimum parking requirements for those two uses. Parking requirements for “warehousing” previously were included in the Unified Zoning Code but were inadvertently removed during the last set of amendments. The proposed standard of “one space per 1,000 square feet for the first 20,000 square feet of building area, plus 1 per 5,000 square feet of building space over 20,000 square feet” is the same standard that was in the earlier code. Parking requirements for “museum” was not a previously listed use, and this amendment addresses that oversight by establishing a standard of “one space per 300 square feet of exhibition space.”

The MAPC reviewed and recommended approval of these amendments at an advertised public hearing held on November 20, 2003. No one from the public spoke for or against these amendments. The proposed amendments have been reviewed and approved by the Law Department as to form.

Motion--

Mayans moved that the recommendation of the MAPC be followed; the proposed amendments to the Unified Zoning Code be approved and the Ordinance be placed on first reading be approved. Motion carried 6 to 0, (Gray absent).

--carried

ORDINANCE

DR2003-26-proposed amendments to “unified zoning code” to permit a “dental laboratory” as a home occupation and to add “warehousing” and “museums” to the list of uses contained in the off-street parking schedule and establish the minimum number of parking spaces required for these uses, introduced and under the rules laid over.

ZON2003-0056

ZON2003-0056-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED AT THE NORTHWEST CORNER OF WATERMAN AND HILLSIDE. (DISTRICT I)

Agenda Report No. 03-1373

The applicant requests a zone change from “TF-3” Two Family to “GO” General Office on a 0.15 acre platted tract located on the northwest corner of Waterman and Hillside. The subject property is two platted lots and has been undeveloped since the residential structure on the property was razed in the early 1990s. The applicant intends to develop the subject property with an office building.

The surrounding area is characterized by primarily office uses along Hillside, with residential uses located on the interior properties beyond the Hillside frontage. The Hillside frontage between Douglas and Kellogg has been transitioning from residential to non-residential uses since the 1970s. The properties to the north and south are zoned “GO” General Office and are developed with office uses. The property to the east across Hillside is zoned “LC” Limited Commercial and is developed with a

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 78

convenience store. The properties to the west across are zoned "TF-3" Two Family and are developed with duplexes and single-family residences.

No speakers in opposition to the request appeared at the MAPC hearing on November 20, 2003. The MAPC voted (12-0) to recommend approval of the request subject to the condition of replatting the property within one year.

Motion--

Mayans moved to concur with the findings of the MAPC; that the zone change subject to the condition of replatting within a year be approved; and to instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried

--carried

6 to 0, (Gray absent).

ZON2003-00057

ZON2003-00057-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF 21ST STREET NORTH AND EAST OF PINECREST. (DISTRICT I)

Agenda Report No. 03-1374

The applicant is seeking "TF-3" Two-family Residential zoning on a 10.1 acre unplatted site that is currently zoned "SF-5" Single-family Residential. The tract is located approximately 600 feet north of 21st Street North and 600 feet east of Pinecrest. The site is undeveloped today. At this point, the only access to the site is via a residential street, Beacon Hill that provides access to the site from the north.

"TF-3" Two-family Residential zoning is intended to accommodate moderate-density single-family and duplex residential development, as well as very limited density multi-family development and other complementary land uses. Minimum lot size for duplex units is 3,000 square feet per dwelling unit or 6,000 square feet per duplex unit.

Surrounding property is zoned and developed with a variety of uses: single-family residential, multi-family residential and commercial.

The Metropolitan Area Planning Commission (MAPC) heard this request on November 20, 2003, and recommended approval. Three area residents spoke in opposition, primarily citing traffic concerns generated by the site's single point of access, Beacon Hill. Neighbors would like to see a more direct second point of access provided, rather than the circuitous routes through existing neighborhoods that exists today. The applicant indicated they have not been successful at gaining a second point of access so far, but they will pursue that possibility when the site is platted.

Motion--

Mayans moved to concur with the findings of the MAPC; the zone change subject to platting within one year be approved and instruct the Planning Department to forward the ordinance establishing the zone change for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Gray absent).

--carried

ZON2003-00058

ZONE2003-00058-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF CENTRAL AND WEST OF TYLER, EAST OF WADDINGTON AND ½ BLOCK SOUTH OF BEKEMEYER. (DISTRICT V)

Agenda Report No. 03-1375

The application area is an undeveloped platted subdivision containing 16 lots that is located east of Waddington and ½ block south of Bekemeyer. The site is currently zoned "SF-5" Single-family Residential. The applicant is seeking "TF-3" zoning to allow for the development of duplex units on 4.2 acres. If the sixteen lots are developed with duplex units, the site could accommodate 32 units at a density of 7.6 units per acre. Access to the site is via residential streets serving single-family homes. The site is land locked between existing residential uses to the north and west and an office to the east and undeveloped commercial property to the south that prohibit this site from having direct access to

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 79

Tyler Road or Central. The site is a passed over tract that was once part of the old Four H / County Extension campus.

The property located to the north is zoned "SF-5" and developed with single-family residences. Property to the east is zoned "GO" General Office and developed with a medical office. Land to the south is vacant, but is zoned for "LC" Limited Commercial uses while property to the west is zoned "SF-5" Single-family Residential and developed with single-family residences. The Metropolitan Area Planning Commission reviewed this case on November 20, 2003, and recommended approval. No one spoke regarding the case.

Motion--
--carried

Mayans moved to concur with the findings of the MAPC; that the zone change be approved and the first reading of the ordinance establishing the zone change be approved. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2003-00058

STREET IMP.

STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2003-89, LOT 1, BLOCK 15, PARKWILDE ADDITION, LOCATED SOUTH OF CENTRAL AND WEST OF WEST STREET. (DISTRICT IV)

Agenda Report 03-1376

This No Protest Agreement is for the paving of Newell Street.

The Lot Split will allow for the creation of an additional lot zoned "SF-5" Single-Family Residential District. This Agreement assures the City of Wichita that this property will be included in the paving improvements and that the owners have waived their right to protest said paving improvement.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Agreement be approved. Motion carried 6 to 0, (Gray absent).

SUB 2003-104

SUB 2003-104-PLAT OF EAGLE'S LANDING AT NORTH OLIVER THIRD ADDITION, LOCATED ON THE WEST SIDE OF OLIVER, SOUTH OF 45TH STREET NORTH. (DISTRICT I)

Agenda Report No. 03-1377

This site, consisting of 33 lots (10.73 acres), is a replat of a portion of the Eagles Landing at North Oliver Second Addition.

Petitions, all 100%, for paving, sewer and water improvements and a Certificate of Petitions have been submitted. To provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street, a Restrictive Covenant has been submitted.

Since this is a replat of a previous addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, a Restrictive Covenant was submitted providing for this addition to continue sharing in the ownership and maintenance responsibilities of any such previously platted reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 80

The Certificate of Petition and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized and the Resolutions adopted. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-657

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89906 (west of Oliver, south of 45th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-658

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89907 (west of Oliver, south of 45th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-659

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 12, Sanitary Sewer #23, 468-83287, (west of Oliver, south of 45th Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-660

Resolution of findings of advisability and Resolution authorizing improving Falcon, from the east line of Lot 7, Block B, east to the west line of Dellrose, and on Dellrose from the east line of Falcon, north to the south line of Willow Point. Falcon Ct. from the south line of Falcon, south to and including the cul-de-sac, and on Dellrose Cir. from the south line of Dellrose, south to and including the cul-de-sac. Sidewalk be constructed on one side of Falco and on one side of Dellrose, (west of Oliver, south of 45th Street South) 472-83898, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

SUB 2003-114

SUB2003-114-PLAT OF AVALON PARK SECOND ADDITION, LOCATED ON THE NORTH SIDE OF 37TH STREET NORTH, ON THE EAST SIDE OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 03-1378

This unplatted site consists of 40 lots (26.7 acres) is located within the City of Wichita. A zone change (ZON 2003-46) from "SF-5" Single-Family Residential District to TF-3, Two-Family Residential and LC, Limited Commercial District has been approved. This site is subject to a Protective Overlay (PO #129) established by the zoning case. A Notice of Protective Overlay has been submitted addressing permitted uses, signage, architectural design, access, setbacks, screening and landscaping.

Petitions, all 100%, have been submitted for drainage, paving, sidewalk, sewer, water and traffic improvements and a Certificate of Petitions has also been submitted. A Restrictive Covenant has been submitted to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 81

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay Certificate, Certificate of Petitions, and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted and the Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Gray absent)

RESOLUTION NO. 03-661

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89908 (north of 37th Street North, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

RESOLUTION NO. 03-662

Resolution of findings of advisability and Resolution authorizing improving Pepper Ridge/Havenhurst from the north line of 37th Street North to the east line of Tyler Road; and Havenhurst Court from the north line of Havenhurst and including the cul-de-sac. Sidewalk to be installed along the west and south sides of Pepper Ridge and the south side of Havenhurst, from the north line of 37th Street North to the east line of Tyler Road, 472-83899, (north of 37th Street North, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2003-46

DED2003-27

DED 2003-27-DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED BETWEEN ARCADIA AND BYRON, ON THE NORTH SIDE OF DOUGLAS AVENUE.

Agenda Report No. 03-1379

As a requirement of a lot split (Case No. SUB 2003-117), this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 82

DED2003-28

DED 2003-28-DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED SOUTH OF CENTRAL, WEST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 03-1380

As a requirement of a lot split (Case No. SUB 2003-89), this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Gray absent).

A03-25

A03-25: REQUEST ANNEXATION OF LAND OWNED BY THE CITY OF WICHITA, GENERALLY LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF 29TH AND GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 03-1381

The City of Wichita intends to annex 59.42 acres of property owned by the City of Wichita, generally located near the northwest corner of the intersection of 29th and Greenwich Road. The annexation area abuts the City of Wichita to the west and south of the property. The City seeks to develop the property as a baseball complex.

Analysis:

Land Use and Zoning: The annexation area is currently vacant and zoned "SF-20" Single Family Residential. The property adjoining the proposed annexation area to the west is occupied by the Colonel James Jabara Airport and zoned Light Industrial "LI." Property to the south of the proposed annexation is zoned Light Industrial "LI" and is in use as the City's Stryker Soccer Complex. Properties to the north and east of the proposed annexation are currently zoned "SF-20" Single Family Residential and are in agricultural use.

Public Services: Both public water and sewer service are currently available to the property by way of water and sewer mains in the 29th Street North right of way. The extension of those services north to the property will be coordinated with the phasing and timing of development of the property.

Street System: The subject property has frontage along Greenwich Road, a two lane paved arterial. There are no scheduled improvements for Greenwich Road north of K96 at this time. South of the property is 29th Street North, a two lane paved road currently terminating at the Stryker Soccer Complex parking lot. Preliminary plans are to extend 29th Street approximately half a mile to terminate at the proposed baseball complex maintenance building.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a seven (7) to eight (8) minute approximate response time from City Fire Station #18 located at 2808 N Webb. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: The proposed annexation property will be developed as a baseball park facility. Directly south of the property is the City's Stryker Soccer complex. The soccer and baseball facilities will total 105.96 acres of parks and recreation facilities.

School District: The annexation property is part of the Unified School District 375 (Circle School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 83

The property proposed for annexation has not been platted. Since the City owns the baseball complex property, the property is tax exempt and no tax revenues will be generated.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--carried

Mayans moved that the annexation Ordinance be placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 03-25

DR2003-33

DR2003-33-CITY OF WICHITA BOUNDARY RESOLUTION.

Agenda Report No. 03-1382

The City of Wichita is required by Kansas State law to annually prepare a description of the corporate boundaries. The law requires that the description shall define the boundaries after incorporating all changes made through annexation or exclusions of territory since December 17, 2002.

During the calendar year 2003, the City of Wichita approved a total of twenty-three (23) annexations, with none (0) of those being unilateral. No areas were de-annexed from the City. This added a total of 1,347.5 acres (2.10 sq. mi.) to the City, resulting in Wichita corporate area of 153.6 sq. mi., as of December 31, 2003.

City Engineering staff has prepared a legal description of all territory annexed into the City of Wichita during 2003.

K.S.A. 12-517 requires that for any year in which any territory has been added or excluded from any city, the governing body of such city shall declare, by resolution, the entire boundary of the city. The Law Department has reviewed and approved the Resolution as to form.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Gray absent.)

RESOLUTION NO. 03-664

A Resolution declaring, establishing and defining the City limits and boundaries of the City of Wichita, Kansas, after all annexations of territory and exclusions of territory since December 17, 2002, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans . (Gray absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 84

AIRPORT AGENDA

Chris Cherches

Chris Cherches requested to defer item 84 until the next City Council Meeting.

Motion--
--carried

Mayans moved to approve the Airport Agenda items except for item 84. Motion carried 6 to 0, (Gray absent).

TERMINAL AREA PARKING

TERMINAL AREA PARKING EXPANSION.

Agenda Report No. 03-1383

Due to increased demand for automobile parking by airline passengers, it has been determined necessary to make available additional parking facilities. On August 5, 2003 the Authority authorized a study by HNTB of the opportunity to provide near-term supply to handle the now twice-monthly overflow of parking facilities.

It has been determined that the long-term solution to increased parking demand is the convenience of elevated parking near the terminal building. A parking garage will likely be constructed in the future once a terminal area plan has been finalized.

In order to provide immediate relief and to serve as an alternate during construction of elevated parking in the immediate terminal area, a plan has been developed to construct a remote parking facility adjacent to the north air cargo facility that will provide easy access for airline travelers.

Air travel at Wichita Mid-Continent Airport has increased 23% over the past two years as a result of low-fare carrier stimulation. Long-term projections call for a steady increase in air travel.

A review of the near-term needs for additional parking calls for at least 400 additional stalls which cannot be accommodated physically in the immediate terminal area. Further, the length of walk to the terminal would be unacceptable. After exploring areas for on-airport ground-level parking construction, an area two minutes away by bus north of the FedEx facilities along Air Cargo Road was identified as the most convenient. A 470-stall parking facility in that location could fit into future air cargo facility development, once the elevated structure in the terminal area relieves the demand for remote parking.

This project is included in the 2004 CIP and it is estimated that cost of construction of the proposed remote lot will be \$1,400,000 and the annual cost of operation will be \$400,000. This estimate assumes that the remote lot will be operated round-the-clock as a credit card pay lot without a cashier.

In order to maintain the flow of revenues from parking, it is necessary to increase rates which have not been changed in the long-term lot since 1989.

The current rate structure is:

Short-term: \$.75 per half hour to \$9.00 maximum daily charge
Long-term: \$1.00 per hour to \$5.00 maximum daily charge

The recommended new rate structure to be implemented upon approval of the expansion project is:

Short-term:	0-30 minutes	\$1.00
	30-60 minutes	\$2.00
	1-2 hours	\$4.00
	2-3 hours	\$6.00
	3-4 hours	\$9.00
	4+ hours	\$12.00 Maximum daily charge

Long-term:	0-1 hour	\$3.00	
	1-2 hours	\$5.00	
	2+ hours	\$7.00	Maximum daily charge

It is proposed that the newly constructed lot be operated at the long-term rate.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 85

The possibility of providing a 30-minute grace period in the short-term lot was researched but is not included in this recommendation. The estimated loss of revenue from the implementation of a 30-minute grace period under the recommended new rate structure is \$74,000.

The estimated increased revenues for the rate change and the additional business is \$1,175,000 annually. The revenues derived would go toward retiring the bonds associated with construction as well as provide a significant down payment on a multi-level parking structure.

HNTB surveyed 33 non-coastal airports and finds that the proposed rate structure will place Wichita Mid-Continent Airport in the 25th lowest place. Wichita's closest competitor, Kansas City International, charges \$18.00 per day for short-term, \$10.00 per day for long-term, and \$5.00 per day for remote long-term.

The Wichita Airport Advisory Board has studied this project in depth and unanimously recommends approval as presented.

The Department of Law will review all documents associated with this project.

Motion--carried

Mayans moved that the project be approved. Motion carried 6 to 0, (Gray absent).

SUPP. AGRMNT NO.8 SUPPLEMENTAL AGREEMENT NO. 8, AIRPARTS COMPANY, INC.

Agenda Report No. 03-1384

This agreement expires December 31, 2003. The space has been leased by Airparts since January 1, 1996, and the tenant has expressed an interest in extending the agreement for one additional year through December 31, 2004. The leased area includes 2,504 sq.ft. of exclusive-use space and 168 sq.ft. of joint-use space. The remainder of the facility which includes 455 sq.ft. of office space and 9,006 sq.ft. of warehouse space, is leased by Rockwell Collins.

The tenant occupies 2,672 square feet of the subject building, which has a total area of approximately 12,135 square feet. The recommended rate for office space is \$3.02/sq.ft., plus land rent. The land rental rate for the facility will be according to WAA policy, and will escalate 5% from the previous year.

Total annual rent will be \$10,803.52.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

SHOESHINE CONCES HARRISON ARMSTRONG SHOESHINE CONCESSION-SUPPLEMENTAL AGREEMENT NO. 8.

Agenda Report 03-1385

Harrison Armstrong has operated the shoeshine concession in the terminal building on Wichita Mid-Continent Airport for approximately 13 years. Prior to Mr. Armstrong assuming this responsibility, the concession was operated by Conner Shoeshine. The agreement is renewed on an annual basis.

Services are provided 12 hours each day, Monday through Friday. Demand has decreased over the years as a result of travelers dressing more casually than they have in the past. However, there are those travelers who still seek out the service. During 2002, 2,743 customers utilized this service. Staff recommends that the agreement be continued on a month-to-month basis.

Shoeshine revenue to the Airport Authority is modest—the WAA receives 10% of the gross receipts, which was \$923 in 2002.

The Supplemental Agreement has been approved as to form by the Law Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 86

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

LEARJET INC.

LEARJET INC.-SUPPLEMENTAL AGREEMENTS:
S.A. NO. 2 TO AGREEMENT DATED JULY 1, 1980
S.A. NO. 1 TO AGREEMENT DATED MARCH 4, 1996
S.A. NO. 2 TO AGREEMENT DATED MARCH 3, 1997

Agenda Report No. 03-1386

On May 6, 2003, the City Council reviewed and approved a retention proposal to assist Bombardier Aerospace in continuing its operations and jobs at its plant in Wichita. Included within the package was a reduction in land rent for facilities located on airport property. The proposed rental reduction was from \$.06 per square foot to \$.033 per square foot for a period of five years.

Three leases encompassing more than 31 acres are affected by this adjustment: the Customer Service Center, Paint and Delivery Center, Fuel Tank Facility and Engine Run up area. The term of the adjustment will be from July 1, 2003 through June 30, 2008. Rates commencing July 1, 2008 shall be as set out in the respective agreements.

Reduction in the land rent will result in a revenue loss to the Wichita Airport Authority in the amount of approximately \$36,000 per year.

The Supplemental Agreements have been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

MIDFIELD ROAD

MIDFIELD ROAD SITE DEVELOPMENT, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 03-1387

On September 9, 2003 the Wichita Airport Authority approved a project for the site development of land adjacent to Midfield Road.

The Staff Screening and Selection Committee selected Certified Engineering Design, P.A. for engineering services. A contract for design and bidding phases has been developed.

The design and bidding phases will cost \$31,259 and will be funded with General Obligation Bonds paid with Airport Revenue.

The Law Department will approve the contract.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

COMM. CABLE PLNT

COMMUNICATIONS CABLE PLANT, WICHITA MID-CONTINENT AIRPORT, COLONEL JAMES JABARA AIRPORT.

Agenda Report No. 03-1388

The 2004 Capital Improvement Program (CIP) allows for utility improvements, which includes modifications to the communications cable plant. In addition to being the backbone for the Authority operated telephone system, this cable plant supports the airport-wide security system, the environmental control system, the runway lights controls and the administrative network.

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 87

It is necessary from time to time to extend, modify, repair and maintain the cable plant to fulfill the obligations that come with being the operator of such a network. Examples include the extension of cabling to meet tenant expansion needs, relocation to accommodate facility construction and installation to address new location requirements of the security system.

The modifications are estimated to cost \$50,000 for Mid-Continent Airport and \$20,000 for Colonel James Jabara Airport and will be paid for with airport revenue recovered through an established rent structure.

Motion--carried Mayans moved that the capital project budgets be approved. Motion carried 6 to 0, (Gray absent).

DEA CANCELLATION UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION-STATE AND LOCAL TASK FORCE AGREEMENT-CANCELLATION.

Agenda Report No. 03-1389

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses. The agreement has been extended on an annual basis by amendment, with the current term expiring September 30, 2004, with a 30-day cancellation clause for either party.

The work program of the DEA task force has changed to the point that it is no longer beneficial for airport personnel to be directly assigned to the task force. Drug intervention activity will most certainly continue with the full assistance and cooperation of Airport Safety Division personnel.

Full-time application of the services of the one officer assigned to the DEA task force toward direct airport police and fire functions will reduce the demand for paying overtime.

Motion--carried Mayans moved that the agreement be cancelled. Motion carried 6 to 0, (Gray absent).

CURE STIP. AGRMNT UNITED AIRLINES CURE STIPULATION AGREEMENT.

Agenda Report No. 03-1390

United Airlines has leases with the Wichita Airport Authority for use of the airport as an air carrier and for space rental in the cargo building. United holds 22% of the passenger market share at Mid-Continent Airport. On December 9, 2002, United petitioned for protection under Chapter 11 of the Bankruptcy Code.

United has proposed to settle the pre-petition outstanding charges by either paying an upfront lump sum amount that is equivalent to 60 cents on the dollar or paying the full amount over a 36-month period at 5% interest. Payment would be initiated after the Bankruptcy Court issues a final, non-appealable order approving the assumption of the leases.

The net pre-petition amount due is \$19,822. The upfront lump sum payment would be \$11,893 whereas the payment option would result in payment of \$21,387 over the 36-month period. It is recommended that the 36-month payment option be selected.

Execution of the Cure Stipulation Agreement does not act to either assume or reject the leases.

Motion--
--carried Mayans moved that the Cure Stipulation Agreement with the 36-month payment option be executed. Motion carried 6 to 0, (Gray absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 180

DECEMBER 16, 2003

PAGE 88

2004 FEE SCHED.

2004 SCHEDULE OF FEES AND CHARGES AND RESOLUTION FOR AIRCRAFT USE OF WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 03-1392

Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions.

The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees are set to reflect market price. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment.

The landing fee rates calculated for 2004 is 26% higher than the 2003 rate. Two-thirds of that increase is due to an increase in project operating expenses related to salaries, health insurance and fees paid to the City of Wichita. The remaining one-third comes from a lower landing weight projection for the airlines. The average terminal rate is 15% higher than the prior year, which is attributable to the increase in salaries, health insurance and fees paid to the City. The rates included in the Schedule of Fees and Charges are expected to produce over \$5 million in revenues in 2004. The rate setting methodology for nearly 75% of those revenues is determined by lease agreements. The remainder of the use rates proposed is the same as 2003. All of the use rates can be altered at any time should that be necessary to recover costs.

Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion--

Mayans moved that the Schedule of Fees and Charges and the Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for scheduled passenger airlines all to be effective January 1, 2004 be adopted. Motion carried 6 to 0, (Gray absent).

-carried

RESOLUTION NO. A-03-015

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Mayans moved that the Resolution be approved and the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Lambke, Martz, Schlapp, Mayans. (Gray absent)

Council Member Fearey

Council Member Fearey inquired whether or not the Council Members would like to schedule another Council meeting on December 30, 2003 and Staff is requesting another year end meeting.

Motion--

Fearey moved to set a City Council Meeting on Tuesday, December 30, 2003 at 10:30 a.m. Motion carried 6 to 0, (Gray absent).

--carried

Adjournment

The City Council meeting adjourned at 2:53 p.m.

Karen Schofield
City Clerk